

# OPEN SPACE TRAIL SYSTEM PLAN



*suspension bridge at Schwartz Avenue*

*FOR THE*

## **TOWN OF HILLSBOROUGH, NEW HAMPSHIRE**

Produced by the Hillsborough Trails Steering Committee and  
by the Central NH Regional Planning Commission  
*through funds from the NHDES Regional Environmental Planning Program  
(REPP)*

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## **TOWN OF HILLSBOROUGH, NEW HAMPSHIRE**

June, 2000



*Produced by:*  
Hillsborough Trails Steering Committee  
PO Box 7, 29 School Street  
Hillsborough, NH 03244

*and*



Central NH Regional Planning Commission  
12 Cross Street  
Penacook, NH 03303



*Through the Year-Three Regional Environmental  
Planning Program with funding from:*

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Concord, NH 03301

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It was created through a cooperative effort of volunteers and staff of the Town of Hillsborough, the CNHRPC, and NH Department of Resources and Economic Development (NHDRED).

The Hillsborough Trails Steering Committee met on a monthly basis for four months and provided review and comment in the interim. Many members of the public and of municipal boards participated in one or more meetings. The Steering Committee, represented by a wide variety of interests within the Town, was comprised of many of the following individuals who participated in the planning process:

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Brett Cherrington  
Ann Ford  
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Peter Mellen  
Laurel Woolner

Planning Board:

Jacob Rietsema

Private Property Owners/Interested Persons:

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Rob Daniels, Night Riders Snowmobile Club  
Ken Desmarais, Fox Forest  
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Phebe Galpin  
Russ Galpin  
Jonathan Gibson  
Gail Hayden, Henniker Rotary Club  
Richard Hermann, State Representative  
Greg Massey  
Haven Newton  
Victor Schmid  
Trudy Schmid  
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James Coffey, Business Administrator

Matthew Taylor, Town Planner

The CNHRPC staff provided the format, content, and publication of the Plan:

Nicholas Beldycki - research

Meghan Estabrook - research, word processing

John Vaillancourt- GPS trails

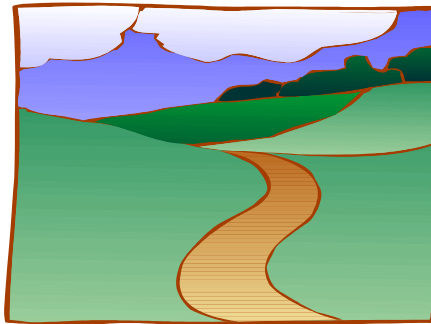
Stephanie Vaine - meetings, research, maps, word processing

The NH DRED staff previously provided review and comment of the process and of the Plan:

Bob Spoerl, Trails Bureau

The New Hampshire Municipal Association (NHMA) legal staff previously provided review and comment on some of the technical explanations in the **IMPLEMENTATION MEASURES** chapter:

Bernie Waugh, Chief Legal Counsel.



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### EXECUTIVE SUMMARY

This document was produced by the Hillsborough Trails Steering Committee and the Central New Hampshire Regional Planning Commission over the course of four months of research and meetings. The purpose of creating such a Plan is to focus on what needs to be accomplished in order to protect the open space in Hillsborough and to create a trail system which gives residents and visitors alike the opportunity to enjoy and further appreciate the Town's open space.

This Open Space Trail System Plan, which can be adopted as an element of the Master Plan, had three goals to accomplish:

1. Inventory existing public lands, easements, rights-of-way, and trails;
2. Determine where linkages to the lands and trails should be obtained;
3. Provide recommendations on how to obtain the linkages and maintain a trail system.

By using the Town's tax maps and associated tax assessor's index, information was collected on the conservation land easements and permanently protected lands of the Town; on public or private parcels, such as those owned by utility companies, that could potentially be available for public use with landowner permission; on rights-of-way parcels such as those that encompass former railroad rights-of-way and utility line easements and those that abut Class VI roads; and finally, on the parcels which harbor existing non-motorized and motorized trails. All of the information that was collected is public information readily available at Town Hall.

Five maps accompany the Plan. The **Base Map** shows the names and classifications of all of the roads in Hillsborough plus its streams and ponds, while the **Topographic Map** shows 20' contour lines. The **Public Lands, Easements, and Rights-of-Way Map** shows where the Town-owned land is located as well as other "public" lands, and the **Existing Trail System Map** shows where the official and unofficial trails are located within Town. For the **Existing Trail System Map**, Global Positioning System (GPS) technology was employed to record the actual location of some of the trails. The last map, the **Proposed Open Space Trail System Map**, is the culmination of the research and recommendations of this Plan. It depicts existing and proposed trails, trail linkages, and existing conservation and public lands.

After the extensive inventorying and data collection process, a series of **General Recommendations** was made to help Hillsborough retain its rural character, to create a trail system, to encourage a greater sense of community, and to retain its undeveloped open space landscape. In addition, specific **Recommendations** were made based upon the identified opportunities within Town. The opportunities included the Contoocook River, and the existing trail system within Fox Forest. In order to assist the Town with meeting these **Recommendations** of the Plan, comprehensive sections on implementing the **Recommendations** have also been included.

The following is a complete listing of the **Recommendations** within the Plan. The circles and boxes refer to the specific trail as depicted on the **Proposed Open Space Trail System Map**; the circled number (see below) indicates an existing trail while the boxed letter (see below) indicates a proposed trail, trail linkage, or suggested areas to protect from future development.

① existing trail

ⓧ proposed/potential/suggested



**General Recommendations of the Open Space Trail System Plan**

- General Recommendation: Research which Town- or State-owned parcels are permanently protected from development.
- General Recommendation: Establish a permanent Trails Committee, comprised of various interests within Town, in order to oversee the maintenance of any trails that the Town wants to establish and to begin initiating contact with landowners of existing and proposed trails and easements.
- General Recommendation: Adopt this Open Space Trail System Plan as a sub-element of the updated Master Plan.
- General Recommendation: Continue to encourage maintenance of existing public and private trails by creating educational programs and providing support for interested individuals and families.
- General Recommendation: Work with the Hillsborough Night Riders to learn how to approach landowners and to enter into a cooperative trail creation and maintenance relationship.
- General Recommendation: Work with the State, the Water Commission, the Town, and with private landowners to link urban areas with Fox Forest and other open areas.
- General Recommendation: Educate the landowners of parcels under current use, particularly owners of those parcels without buildings on them, of the benefits of conservation easements.
- General Recommendation: Enter into a working relationship with representatives at Fox Forest and Low State Forest which would provide for the linking of Town and State Trails.
- General Recommendation: Pursue appropriate Town-owned parcels as permanent Town Forests or Town Parks through Town Meeting (see **APPENDIX A**).
- General Recommendation: Gain public support by holding a series of public educational sessions about land protection, stewardship, what the Conservation Commission and Trails Committee do, and about this Open Space Trail System Plan. Alternatives include writing a series of news articles, writing and distributing flyers, or holding one-on-one meetings with landowners.
- General Recommendation: Pursue grant funds to help meet the Recommendations of this Plan.
- General Recommendation: Publicize the public trails within Town by publishing a brochure, creating a trail-specific map series, or by holding special events
- General Recommendation: Work with the Planning Board to have them encourage developers of major subdivisions to donate easements or land and to require construction of trails on properties near existing or proposed trail networks.
- General Recommendation: Review the Zoning Ordinance and Subdivision and Site Plan Review

### Recommendations of the Railroad / Contoocook River Corridor

- Recommendation: Contact each landowner who owns the land on which the former railroad right-of-way falls to ask for specific permission for summer use of the trails where the bed is currently being used for winter snowmobiling. This should be done with the permission or support of the Hillsborough Night Riders.
- 1
- Recommendation: On this segment that is not currently being used by snowmobiles, talk with landowners about potential public use of the former railroad right-of-way. Where appropriate, motorized access should be requested for snowmobiles, motorbikes and ATVs.
- 2
- Recommendation: Investigate if the former right-of-way segment between the Contoocook River and the Deering Town Line, parallel to West Mill Street, is owned by the State of New Hampshire. If so, research what the State intends to do with the segment and if public access is allowed.
- 2
- Recommendation: Investigate the location of potential "lost" railroad segments, in areas not identified in this Plan, with landowner permission and revitalize them as linkages to the existing railroad bed trails.
- Recommendation: Create public access areas on the Contoocook River for passive (non-motorized) recreational purposes.

### Recommendations of Fox Forest Land

10

- Recommendation: Work with Fox Forest representatives to raise public awareness of recreational trails and parks, and offer to help maintain some of the existing trails by becoming "trails stewards".
- Recommendation: Obtain permission to detail individual trails, recommended uses, and other specific information in the Plan.
- Recommendation: Work with Fox Forest to ascertain their willingness in using the Fox Forest trails as a "destination" for potential trails linkages.
- Recommendation: Work with Fox Forest and the School District to encourage an educational curriculum based upon features found in the Forest. The existing trail between the Forest and the School could be used by students to walk from one area to the other.

**Recommendations of Powerline Corridors**

3 4 5 6 7 8

Recommendation: Contact Public Service of New Hampshire (PSNH) to ascertain their interest in working to create a trail system using their powerline easements. They may be willing to help talk to the landowners.

Recommendation: Contact the landowners and PSNH for permission to create a trail segment from West Main Street to the Antrim Town Line.

7

Recommendation: Contact the PSNH to ascertain their interest in allowing public access to their property off of Sulphur Hill Road (see also **Suggested Areas to Protect from Development**).

A

**Recommendations of the Waterline Corridor**

9

Recommendation: Contact the Water Commission to ascertain their interest in working to create a trail system using their waterline easements. They may be willing to help talk to the landowners.

Recommendation: Contact the landowners, the Water Commission, and the Society for Protection of NH Forests for permission to create a trail segment from Loon Pond to Jones Road, traveling through the Cottrell property.

B

Recommendation: Contact the Water Commission to ascertain their interest in working to create public trails as appropriate on the lands that they own.

14

### Recommendations of Trails on Conservation and Public Land

- Recommendation: After select Town lots have been retained as Town Forests or as permanently protected land at Town Meeting, create self-contained trails on these lots and trails that link to existing trails (see **General Recommendations**).
- Recommendation: Create a trail at Low State Forest by working with NH DRED and abutting landowners of the Class VI Sand Knoll Road, and the Bradford Conservation Commission.
- Recommendation C: Create trail access to the landlocked Widow Murdough Lot by working with landowners (see also **Suggested Areas to Protect from Development**).
- Recommendation: Encourage the NH Fish and Game to work with the NH Division of Forests and Lands (of NH DRED) to connect Fox and Low State Forests with the Farrar Marsh (Sandbrook Marsh) and its abutting State parcel.
- Recommendation D: Create a connection from House Rock to Farrar Marsh with the cooperation of the NH Fish and Game.
- Recommendation 14: Work with the Water Commission to create a trailhead off of Loon Pond / County Road.
- Recommendation: Promote the Bear Hill Lot, off of Bear Hill Road, for educational purposes.

### Recommendations of Suggested Areas to Protect from Development

A C E F

- Recommendation A: Research the potential for protection of the large lots in the area south of Sulphur Hill Road Area (aka Bagley Pond Road) in the southwestern corner of Town.
- Recommendation C: Research the potential for protection of the large, single lot located adjacent to the Widow Murdough Lot above Contention Pond.
- Recommendation E: Research the potential for protection of the large lot owned at the Henniker Town Line between the two NH Fish and Game parcels.
- Recommendation F: Research the potential for protection of the large lots above Sulphur Hill Road Area (aka Bagley Pond Road) at the Windsor Town Line.

**Recommendations of Class VI Roads**

- Recommendation: Undertake an on-foot survey of all Class VI roads within Town to gauge their ability to sustain certain types of trails usage.
- Recommendation: Identify for designation as Class A or Class B trails some of the Class VI roads within Town by working with abutting landowners (see **IMPLEMENTATION MEASURES**).
- Recommendation: Work with abutting landowners to share maintenance and monitoring duties of the trails or Class VI roads being used as trails.
- Recommendation: Conduct research to ascertain if any of the Class VI roads have been

**Recommendation of Scenic, Discontinued, and Abandoned Roads**

- Recommendation: Thoroughly research the status of the discontinued and abandoned roads within Town.
- Recommendation: Where appropriate and after research has been conducted, use select discontinued or abandoned roads within Town as linkages to other trails or public lands.
- Recommendation: Promote the Scenic Roads, which are all full public roads in town as an

**Recommendation of Snowmobile Trails**



- Recommendation: Work with the Hillsborough Night Riders to approach landowners for permission to use some of the established snowmobile trails during the summer (see also **General Recommendations**).
- Recommendation: Work with the Hillsborough Night Riders to monitor and/or maintain snowmobile trails that are available for public summer use.

**Recommendation of Potential Trails or Trail Linkages on Private Land**

- Recommendation: Research the feasibility of a trail connector on Stowe Mountain from the Class VI portion of Farley Road, following along Danforth Corners Road, and ending at the Class Severance/Sleeper Road intersection by contacting appropriate landowners.
- G**
- Recommendation: Research the feasibility of a new trail connecting Fox Forest, just north of Jones Road, to the Windsor Town Line just north of New Valhalla Farm Road by contacting appropriate landowners.
- H**
- Recommendation: Research the feasibility of a trail connection from Fox Forest to North Road, continuing south of the cemetery, then heading north on the Class V portion of Kimball Road until it becomes Class VI.
- I**
- Recommendation: Research the feasibility of a new trail from Fox Forest to the intersection of Shedd and Beard Road, then following along the scenic portion of Class VI Shedd Road until reaching the cemetery.
- J**



## **I. INTRODUCTION**

As the primary constraints for producing a study or plan of any type are time and money, the Regional Environmental Planning Program (REPP) afforded an opportunity to produce this Plan that may not have otherwise become available. Knowing how much the Town values its identity and has the desire to balance economic development with conservation, the CNHRPC approached the Town of Hillsborough with an offer to produce an Open Space Trail System Plan at no cost to the Town other than volunteer review and comment. This Plan is intended to serve as a guide toward the creation of a trail network through identification of existing and potential trails and the properties on which they fall; with landowners' permission to utilize a portion of their land, these trails would adequately serve the purposes of conservation, recreation, and economy.

### **IMPORTANCE OF OPEN SPACE AND RECREATION**

The Town of Hillsborough has characteristics of a rural small town with access to conveniences in a local downtown area. Located directly between Concord and Keene, residents can obtain the additional services they require and have ample employment opportunities while living in a relatively quiet small town. Routes 9, 202, and 31 travel through Hillsborough, adding to its accessibility. The Town has good grocery and retail stores and restaurants for those residents who are not able to travel to Concord or Keene.

The Town also has a distinct ruralness. Hillsborough contains many large lakes and ponds, and the Contoocook River affords recreational opportunities and scenic views. Fox and Low State Forests are integral to the identity of Hillsborough, as is the Franklin Pierce Homestead. Importantly, there are quiet back roads, forest roads, and trails for walking, hiking, and biking. Rare, small undeveloped ponds also dot the landscape. The library is a fine example of how the history of Hillsborough has been preserved for current and future generations.

As development pressures increase, the amount and quality of available land for recreation and open space will diminish. The Town has recognized that its assets must be fully inventoried in order to adequately prepare for the impending development that may further reduce the ruralness of Hillsborough. Such an inventory will lead the way to developing measures to enhance the existing open space and recreational opportunities as well as to plan for a coordinated, organized open space trail system throughout the Town.

New Hampshire itself is prized for its rural character and its eclectic types of outdoor recreation. Our legislators, recognizing the population and development boom that has been occurring since the mid 1980's, have passed a number of laws designed to preserve our open spaces and encourage stewardship of our natural resources. In 1993, the Land Conservation Investment Program (LCIP) unofficially concluded its six-year mission to protect 248 properties, totaling 101,000 acres, in New Hampshire through a successful public-private partnership. The NH Department of Fish and Game (NH F&G) also holds thousands of acres of conserved land, the vast majority of it accessible to the public for hunting, fishing, snowmobiling, hiking, and other uses. The NH Department of Resources and Economic Development (NH DRED) has similar land holdings and hosts grant programs to promote the development and maintenance of trails. Many private and non-profit organizations also hold easements and titles to key resource parcels. In New Hampshire, open space activities, including tourism, account for 25% of our gross State product.

Incentives given to private landowners encourage them to open their property for use by the public. The Current Use Taxation law (RSA 79-A:1), in effect since July 1973, is a way for property owners to receive a tax reduction based upon their agreement to keep their land undeveloped. Forestry and agriculture are encouraged. This law also offers a 20% reduction of the current use assessment if a property owner agrees to allow the public recreational access to the land 12 months of the year (RSA 79-A:4). Municipalities may adopt a Land Use Change Tax Fund (RSA 79-A:25-a) that places the money acquired from a property leaving current use into a fund, separate from the general fund, for the purpose of purchasing easements or parcels for conservation.

A healthy, diverse community is a great attraction to business, tourists, and new residents. What makes a community appealing is its fine balance of development and conservation. The link between open space and recreation is distinct, and it is beneficial for both landowners and the public. There are many types of recreation possible on these lands, and this Plan will focus on the benefit of trails. A trail network will serve to allow alternative modes of transport, particularly for recreation, throughout Hillsborough. The Open Space Trail System Plan for Hillsborough will identify those existing trails and linkages which could be established through landowner contact and cooperation and offer guidance on how to succeed on the Recommendations of this Plan.

## HILLSBOROUGH MASTER PLAN FINDINGS

A municipal Master Plan (RSA 674:2-4) is intended to be a guide to the current and desired conditions of the Town. These conditions are inventories in the elements, or chapters, of a Master Plan. Typical Master Plan elements include Transportation, Land Use, Future Land Use, Conservation and Preservation, Historical, Population and Economics, Housing, and Community and Recreational Facilities. The Master Plan, adopted by the Planning Board, is the legal basis for the Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations of the Town. Although there are currently no laws which require an updated Master Plan within a particular time frame of the last version of the Master Plan, the generally accepted span of time between updates is five to seven years.

An Open Space Trail System Plan is a complement to a Master Plan because it is designed in conjunction with the findings and goals of the Master Plan. Specifically, the Open Space Trail System Plan can be considered a sub-element of the Conservation and Preservation Element and can be adopted by the Planning Board as such at any time.



The Town of Hillsborough recently completed an update to its Master Plan in the winter of 1999. Spearheaded by volunteer efforts, the update took two years of meetings, coordination, and hard work to complete the task. The document was adopted by the Planning Board at the Master Plan's public hearing on December 15, 1999.

Some of the final recommendations discussed in the Master Plan included:

- ✧ Encouraging protection of ecologically significant parcels through easements, gifting, or purchase of development rights;
- ✧ Inventorying the existing trail system;
- ✧ Promoting bicycle paths in high volume traffic areas to create a community-wide bicycle path system;
- ✧ Creation of a cluster development ordinance to promote residential development while preserving open space and providing recreational opportunities;
- ✧ Creation of the requirement for donation of conservation easements on sensitive parcels when a subdivision or site plan is proposed;
- ✧ Expansion of the Rural Zone to permit the construction of recreational opportunities such as game preserves, cross-country ski areas, horse

These goals tie in with the intent of this Open Space Trail System Plan, with the general concepts being echoed throughout this document.

### **RECREATIONAL TRAIL SURVEY FINDINGS**

The Conservation Commission of Hillsborough discussed the idea of a trail system in Town at meetings in the winter of 1998-99. A "Hillsborough Recreational Trails Survey" was developed in time to be available at the March 1999 Town Meeting. Few people at town meeting completed the surveys, so members mailed the survey to landowners of parcels over ten acres in current use. Of the 204 surveys mailed, 47 were returned, yielding a 23% return rate. A copy of a blank survey can be found in **APPENDIX C**. Landowners were asked if they had trails on their property, and if so, if they would be agreeable to allowing the public to use their trails. While the majority of responses of those surveys returned indicated discomfort with liability and privacy issues, many also indicated a willingness to share their trails with the public if more information were available on the issues. The Conservation Commission learned that communication to landowners will be a necessary component to the success of an open space trail system.

### **METHODOLOGY**

In order to start the process of creating an Open Space Trail System Plan, a group of volunteers representing public and private interests in Hillsborough formed. Meeting four times between November 1999 and February 2000, the Hillsborough Trails Steering Committee, led by a core of Conservation Commission members, provided guidance as well as review and comment on the maps

## INTRODUCTION


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
and materials that CNHRPC produced. In addition, many also wrote descriptions of different trails or parcels.

At the first meeting on November 16, the volunteers corrected the road names and classifications within Town, identified the former railroad rights-of-ways and existing trails, and verified land permanently protected from development. At the second meeting on January 4, volunteers reviewed the first draft of this Plan and the resulting draft trails map. At the third meeting on February 8, the volunteers reviewed the second draft of Plan and the draft open space trail system map to be incorporated into the Plan. At the fourth meeting on February 29, the volunteers reviewed the final version of the Plan that CNHRPC staff would be assisting with. After the publication of this June 2000 version, the Hillsborough Trails Steering Committee will decide whether to further review and amend the Open Space Trail System Plan before bringing the document before the Planning Board.

In between the meetings, CNHRPC staff researched the parcels on which the trails and rights-of-way fell, and researched the conservation land and Town-owned land using the Town tax maps and the April 1999 tax assessment index. Detailed parcel information was obtained, including Map and Lot number, Acreage, and if the parcel was not currently protected from development, whether the parcel was in Current Use and if a Building was located on it. Information of this nature not only provides description of the parcel, but may also be relevant in determining the likelihood of the landowner to grant public access to the parcel. All of this information is available and accessible to the general public during normal Town Hall business hours.

In addition, if the parcel had a trail/right-of-way on it, was publicly owned, or was protected from development, educated assumptions about the Management responsibilities were listed as well as if the landowner has granted permission for any Public Uses of that parcel. Where the Management or Public Uses were unclear on a parcel, the Hillsborough Trails Steering Committee felt it most appropriate to defer to the privacy of the landowner.

Using a Global Positioning System (GPS) unit, CNHRPC staff located several of the trails identified by Steering Committee members. Individuals walked the trails with the GPS unit, which uses orbiting satellites to record the actual position of objects (trails, in this case) on the ground. The resulting data from the GPS unit can be used in a Geographic Information System (GIS) for the production of maps. In this Open Space Trail System Plan, GPS'd trails data has been incorporated into and used with existing GIS data layers to create the maps found at the back of this Plan. The trail segments that have been located using a GPS are indicated by a symbol, , beside their descriptions in the two **INVENTORY** sections.

An important limitation of GPS to consider is its inability to correlate to the Town's tax maps because of different source data and different scales. Therefore, the tax map has not been used with this map series. Those trails indicated in the Plan with a  may or may not have the appropriate parcels listed. Additional field checking should be completed.

After completing of the inventory of conservation lands, easements, rights-of-way, and trails, the Hillsborough Trails Steering Committee examined these assets and presented a proposed open space trail system. This system incorporates the existing trails and protected lands findings with the potential future trails and open space options, and gives a series of **Recommendations** to be undertaken for reaching the goals of the system.

Staff of the CNHRPC previously consulted with the Trails Bureau staff of the NH Department of Resources and Economic Development (NH DRED) to ensure that relevant issues were adequately addressed in the Plan. In addition, staff of the NH Municipal Association (NHMA) was previously consulted to verify the accuracy of the references to the NH Revised Statutes (NH RSAs).

### GOALS OF THE OPEN SPACE TRAIL SYSTEM PLAN FOR HILLSBOROUGH

This Plan is designed to accomplish three goals:

1. Inventory existing public lands, easements, rights-of-way, and trails;
2. Determine where linkages to the lands and trails should be investigated;
3. Provide recommendations on how to obtain the linkages and maintain a trail system

*The Hillsborough Steering Committee and CNHRPC staff completed this Plan to the best of their ability with the information that was available. Additional research needs to be completed on the former railroad rights-of-way and on the status of each Class VI, discontinued, or abandoned road; further investigation should be undertaken before performing any legal procedure suggested in the **IMPLEMENTATION MEASURES**. Although there are no guarantees on the accuracy of the data presented or on the interpretations made of the NH RSAs, everyone involved with this Plan put forth their best faith efforts in order to produce a viable, practical Open Space Trail System Plan for the benefit of the Town of*

### **1. Inventory existing public lands, easements, rights-of-way, and trails**

An inventory of the conservation easements, conservation lands, publicly owned lands, rights-of-way on private land, and private lands that allow or may be requested in the future to allow public access, give a solid picture of where the Town stands in terms of its open space and a trail system. The two concepts are intertwined. Using a trail to enjoy the scenic and natural beauty of the land promotes a connectedness to the land and the community, and the cooperation involved in acquiring the land for public access encourages the enjoyment of the land through that cooperation and the land's stewardship.

### **2. Determine where linkages to the lands and trails should be obtained**

Conservation land, including the land owned by the Town of Hillsborough and the State, creates a basis for a trail system. Coupled with existing formal (Hillsborough Night Riders' trails) and informal trails (Class VI roads, former railroad bed, and private trails), connections can be graphically viewed through maps and potential connections can be determined to enhance the existing open space and trail system.

Different trails and conservation lands have their own unique uses that are directly attributed to the topography, soils, and natural resources as well as the desires of private landowners to have their land enjoyed by the public in particular ways. Multi-use trails, particularly where pedestrian and motorized vehicle or mountain biking uses occur, can safely accommodate both types of uses where appropriate trail construction or planning has been utilized.

### **3. Provide recommendations on how to obtain the linkages and maintain a trail system**

Following the data collection stage is putting the data to work. Landowner participation will be an integral factor in the overall success of the Plan; they should be educated about the benefits of conservation and contacted about the possibility of opening their land to public access. Trails can be officially designated by the Town, and strategies for their maintenance and promotion will be discussed. A comprehensive **APPENDIX** series will contain documentation and assistance with many of these issues.



## II. INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

The first step to any plan is to identify what currently exists of what one is attempting to study. By giving a detailed listing of parcel information as well as a description of the property or right-of-way, it becomes easier to determine what the next steps will be for enhancements, landowner agreements, or determination of appropriate trail usage. Many properties have characteristics that are better suited for certain types of trails usage; for example, trails along a riverbank or waterbody are generally not suited

Special attention should be given to any Public Uses listing in this Plan as the majority of the parcels listed as having potential for a trail or are currently being used as a trail are privately owned.

for motorized use, nor are trails susceptible to erosion. Also, landowners that have given permission for one use, such as winter snowmobiling, may not be willing to allow summer hikers to cross their land. Throughout the Plan, it is imperative to remember that almost all land is privately owned and needs to be respected as such regardless of its being listed in this Plan.

This section is dedicated to the inventorying of the official conservation land easements and fee owned parcels, other public land owned by the Town of Hillsborough, land owned by private public service companies, Class VI roadways, railroad rights-of-way, and powerline easements. Although some charts will change slightly due to the information being collected, Map and Lot number are always indicated as well as the Acreage. A "n/a" listing is an abbreviation of "not applicable" because the parcel is tax-exempt. As a matter of public record, this same information and additional information can be found in the Hillsborough Town Hall.

Important to note is that the information depicted on the tax maps, particularly the Acreage, is often inconsistent with the information that is found in the tax assessor's index. Discrepancies exist between the two sources, and in most cases, the information from the assessor's index was used within this Plan whenever possible and is assumed to be the most correct source of information.

### CONSERVATION LAND EASEMENTS AND PROTECTED LANDS

Property ownership is a combination of privileges that allows a landowner to exercise certain rights. Conservation easements are restrictions that landowners voluntarily place upon their property that legally bind the present and future owners of that property, restricting their ability to use some of those rights in order to protect the natural features of the land. Many public agencies and private organizations make these permanent agreements with landowners and oversee their compliance. No easements exist in Hillsborough although the Society for the Protection of New Hampshire Forests (SPNHF) owns several parcels of permanently conserved land. All of the public and conservation lands are located on the **Public Lands, Easements, and Rights-of-Way Map**. The Town also acquires lands through non-payment of taxes, and the State owns several parcels. Unlike easements, these lands are not necessarily protected from development.

#### This Section

- γ Conservation Easements
- γ Town-Owned Conservation Parcels
- γ Other Owned

#### Conservation Easements

Easements permanently protect the land from development. While the spirit of a conservation easement suggests that the land is open to the public for use, each conservation easement deed is uniquely tailored to suit the needs and desires of the landowner. Therefore, many conservation easements may or may not

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## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

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allow public access. Particular attention should be paid to the *Public Uses* column before any assumption is made as to usage by the general public. Where there is any doubt about the ability for the public to use a parcel of land, the landowner or easement holder should be contacted for clarification. No conservation easements are found in Hillsborough although many conservation lands are owned by the Town.

### Town-Owned Conservation Parcels

The Town owns several conservation parcels, including those turned over to the Conservation Commission for management or Town Forests. Some of them have been permanently protected from development, but it is not immediately clear which ones are. The Town Owned Conservation Parcels category is an important piece of the open space puzzle because the undeveloped lots generally allow public use of the land for certain purposes.

#### House Rock

House Rock is located on a 20-acre conservation lot in the northeast corner of Hillsborough off of Sand Knoll Road and just north of Kimball Road. The rock is a large erratic boulder, the size of a cottage, that sits on a slight knoll. A fracture has provided a large overhang on one side and a passage through the boulder. There are tales of people having lived under the overhang.

Name	Map #	Lot #	Acres	Management	Public Uses
House Rock	3	6	20.0	Cons Comm	contact Cons Comm

#### Hildreth Mill Lots

These small lots are across Bog Road from one another, with the eastern lot abutting the State-owned Farrar (Sandbrook) Marsh. Sand Brook forms the boundary between this lot and Farrar Marsh.

Name	Map #	Lot #	Acres	Management	Public Uses
Hildreth Mill Lot	6	36	0.3	Cons Comm	contact Cons Comm
Hildreth Mill Lot	6	42	0.6	Cons Comm	contact Cons Comm

#### Seymour Lot

The Seymour lot provides access to a small ponded area off of County Road. The parcel is relatively flat and hosts a section of a private trail that originates off of Dean Hill Road (see **INVENTORY OF EXISTING TRAILS** for more information).

Name	Map #	Lot #	Acres	Management	Public Uses
Seymour Lot	5	55	10.8	Cons Comm	contact Cons Comm

Farley-West Marsh

This small triangular piece of land forms the corner of a large area permanently protected by the Society for the Protection of NH Forests, the Chute Forest. This parcel, which is under management by the Conservation Commission, can be accessed off of Farley Road.

Name	Map #	Lot #	Acres	Management	Public Uses
Farley-West Marsh	5	67	1.7	Cons Comm	contact Cons Comm

Widow Murdough Wood Lot

The Widow Murdough lot is landlocked, located 1/2 mile north of Contention Pond and 1/4 mile southeast of Carter Pond. The entire area is mountainous, and the lot itself sits at the base of a high peak. The lot and its surroundings have great scenic and resource value, and the challenge will be to obtain public access to the parcel.

Name	Map #	Lot #	Acres	Management	Public Uses
Widow Murdough Wood Lot	2	8	11.5	Town	contact Town

Gleason Falls

The lot is approximately 2000ft south of where Gleason Falls Road crosses Beard Road. Beard Brook flows under the road through a stone arch bridge. The land drops steeply to the east where the brook falls between steep rocky banks. There are remnants of stone mill dam walls on the south side of the brook. Views from the falls toward the stone arch bridge are outstanding, particularly when the water level is high in the spring and during the fall foliage season. There is off-road parking on the east side of Beard Road. The 3.6-acre rectangular lot offers interesting topography.

Name	Map #	Lot #	Acres	Management	Public Uses
Gleason Falls	8	20	3.6	Cons Comm	contact Cons Comm

Knapton Lot

The Knapton lot is just south of the Gleason Falls lot off of Beard Road. Beard's Brook bisects the lot, and an historic stone arch bridge is located between the two town parcels.

Name	Map #	Lot #	Acres	Management	Public Uses
Knapton Lot	8	22	2.6	Cons Comm	contact Cons Comm

Rowe Marsh

Rowe Marsh is located to the south of Emerald Lake's Ravenhead Lane. From its location, it appears to be an open common space for the subdivisions in the area, but further research would need to be conducted for verification. Its significant size and flat landscape may allow for some interesting trails if the parcel were indeed under the management or ownership of the Conservation Commission.

Name	Map #	Lot #	Acres	Management	Public Uses
Rowe Marsh	9	99	18.2	Cons Comm ?	contact Cons Comm

**Other Owned Conservation Parcels**

This category is reserved to list conservation lands owned by the State (such as a State Forest) or by a land trust (such as a conservancy). These parcels are permanently protected from development and are

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**INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY**

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enforced by an agency other than the Town of Hillsborough. The public is allowed to use these parcels for certain purposes.

Low State Forest

Low State Forest contains 1,760 acres managed by the NH Division of Forests and Lands of NH DRED. Approximately 717 acres are located in Hillsborough and the remainder is in the Town of Bradford. The forest is managed for a wide range of resources and serves as a demonstration site for sound forest management practices.

Name	Map #	Lot #	Acres	Management	Public Uses
Low State Forest	3	1	717	NH DRED	subject to State restrictions

Farrar (Sandbrook) Marsh WMA

This property is managed by the NH Fish and Game Department. The land fronts Bog Road for almost two miles. Like Low and Fox Forests, the Marsh contains significant resources and has the potential to become a keystone in a trails network. It is unknown whether the public is allowed access to the Marsh at this time.

Name	Map #	Lot #	Acres	Management	Public Uses
Farrar Marsh WMA	6	38	290.9	NH F&G	subject to State restrictions

Fox Forest

Fox State Forest is the State of NH's research and demonstration forest. The land, buildings, and a trust were a gift to the State from Miss Caroline A. Fox. Experiments have been conducted here since 1933. The forest contains approximately 1,445 acres, and is open to the public for foot travel, containing over 20 miles of trails. Motorized wheeled vehicles are strictly prohibited, but snowmobiles are allowed in the winter\*. Parking is provided at the headquarters on Center Road and at the intersection of Bog Road and Gould Pond Road. Trail guides are available at the headquarters. Points of interest are Mud Pond Bog, Black Gum Swamp, Monroe Hill Tower and the Henry I. Baldwin Forestry Education Center.

Name	Map #	Lot #	Acres	Management	Public Uses
Fox Forest	8	143	193.5	NH DRED	non motorized*
Fox Forest	9	2	478.4	NH DRED	non motorized*
Fox Forest	9	172	129.4	NH DRED	non motorized*
Fox Forest	11	144	635	NH DRED	non motorized*



The Cottrell Place

Owned by the SPNHF, the Cottrell Place is a large, private conservatory off of Jones Road. The Town's waterlines from Loon Pond bisect the property, and the Water Commission's Latham Lot abuts the parcel directly to the north. The lot is hilly and contains a trail leading from Fox Forest. The SPNHF should be contacted to inquire about public access to the Cottrell Place for recreational purposes.

Name	Map #	Lot #	Acres	Management	Public Uses
The Cottrell Place	8	40	106	SPNHF	contact SPNHF

Chute Forest

This large conservatory is located off of Class VI Farley Road and encompasses Farley Marsh. This hilly property also is owned by the Society for the Protection of NH Forests, which should be contacted to determine if the public is allowed to use the land.

Name	Map #	Lot #	Acres	Management	Public Uses
Chute Forest	4	4	108.2	SPNHF	contact SPNHF
Chute Forest	5	60	16.0	SPNHF	contact SPNHF

Gleason Falls Road Wetland

This landlocked parcel is situated north of the Cottrell Place and south of Gleason Falls Road and East Washington Road. Over half of it is wetland, and logistically, there is no public access.

Name	Map #	Lot #	Acres	Management	Public Uses
Gleason Falls Road Wetland	8	34	13.0	SPNHF	contact SPNHF

**PUBLIC OR PRIVATE PARCELS FOR POTENTIAL PUBLIC USE**

A significant number of acres within the Town are either owned publicly by the Town itself, or by private companies that provide types of public services to the Town. The Town-owned parcels in particular are important to document because of the relative ease of using the properties in a conservation- or recreation-related manner.

This Section

- γ Utility Parcels
- γ Local, State, and Federal Public Parcels

**Utility Parcels**

Land owned or managed by private companies providing a public service to the Town can serve a unique purpose. Mutually beneficial agreements can be forged between these companies and the Town: the Town gets to place a trail on the land and the utility company gets to publicize its community service to the Town. In addition, such land is also valuable from an open space standpoint because of its relative permanence and minimal development.

Water Commission Parcels

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## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

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Although not specifically open to public use, these Town-owned parcels are listed here because of the public service they provide to the Town and because of the potential opportunities that could be made available if sound recreational planning were used. The water line has a potential for being linked to The Cottrell Place as a trail connector (see **Utility Corridor Easements**).

Name	Map #	Lot #	Acres	Management	Public Uses
Brown Grass Lot	5	106	1.0	Water Commission	none
Lake Front Lot	5	117	3.0	Water Commission	none
Lake Front Lot #2	5	133	1.0	Water Commission	none
Lake Front Lot #3	5	141	52.6	Water Commission	none
Latham Lot (Andrews)	8	35	10.4	Water Commission	none

### Public Service of New Hampshire (PSNH) Parcels

Like those of the water management lots, these parcels are listed due to their public service nature. One large parcel of significance is found in the vicinity of Sulphur Hill, and a number of logging roads/trails cross the property. A listing of those private properties upon which PSNH holds an easement is to be found in the **Rights-of-Way** section.

Name	Map #	Lot #	Acres	Management	Public Uses
PSNH Parcel	10	5	267.7	PSNH	none
PSNH Parcel	10	58	--	PSNH	none
PSNH Parcel	11-B	280	12	PSNH	none
PSNH Parcel	11-G	245	0.4	PSNH	none
PSNH Parcel	11-G	307	--	PSNH	none
PSNH Parcel	11-P	178	--	PSNH	none
PSNH Parcel	12	8	0.1	PSNH	none

### Telephone Company Parcels

Despite their semi-public function, these parcels are generally too small to accommodate a trail or to contribute to an open space network. However, in the future, linkages might be suited to cross over these parcels with the cooperation of the telephone companies.

Name	Map #	Lot #	Acres	Management	Public Uses
Contoocook Valley	11-J	126	1	Contoocook Valley	none
Contoocook Valley	17	202	.201	Contoocook Valley	none
Contoocook Valley	24	63	1.7	Contoocook Valley	none
Granite State	7	67	0.14	Granite State	none
Granite State	7	68	0.8	Granite State	none
Granite State	7	144	2.5	Granite State	none
Granite State	7	145	4.6	Granite State	none
Granite State	7	146	1.5	Granite State	none
Granite State	7	147	1.6	Granite State	none

### **Local, State, and Federal Public Parcels**

Land that the Town of Hillsborough and the State of New Hampshire's own, but which are not officially conservation lands, are listed here. There are no significant federally owned parcels in the Town.

## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

### Franklin Pierce Homestead

The Homestead, a National Historic Landmark, is owned by the State. It is maintained and operated by a group of Hillsborough residents, the Pierce Homestead Committee. Over 22,000 people visit the Homestead each year, and this number may rise due to increased efforts to publicize the landmark.

Name	Map #	Lot #	Acres	Management	Public Uses
Franklin Pierce Homestead	10	67	13.0	Homestead Comm	seasonal tourism

### Other State-Owned Parcels

This category is reserved for those parcels which are owned by the State but are not necessarily accessible to the public for general use. In addition to the lots already mentioned under the **Other Owned Conservation Parcels** section, the NH DRED, NH Department of Fish and Game, and the NH Department of Transportation (NH DOT) own a collection of smaller lots not specifically used for conservation purposes. One lot of particular significance has been identified because it abuts Farrar Marsh.

Name	Map #	Lot #	Acres	Management	Public Uses
Bog Road Lot	6	40	161.8	NH F&G	contact F&G

After the bypass has been completed, the State will be donating land to the Town for wetland mitigation purposes. The exact locations have not yet been determined. In addition, walkable underpasses will be constructed for human and wildlife passage.

### Town of Hillsborough Parcels

The Town itself owns a significant number of parcels of various sizes which have been acquired through different means. A selection of these parcels is listed here because of their potential future ability to contribute to the Town's open space trail system. In addition, several parcels have been previously mentioned. Further research should be conducted to adequately assess the public uses for each parcel.

Name	Map #	Lot #	Acres	Location	Public Uses
Manahan Park	10	26	46.6	Franklin Pierce Lake	boat, picnic, swim
Grimes Field	12	131	15.8	off Preston Street	sports fields
Butler Park	23	144	0.3	Main Street	Town green
Beard Brook Park	11-E	13	3	Beard Road	swim, fish
Temple Road Lot	7	134	8	end of Temple Road	unknown
Gould Pond Lot	9	40	6.6	south of Gould Pond	unknown
Contoocook Falls Rd Lot	12	102	7.1	Contoocook Falls Rd	owned by Fire Dept
River Lot	12	119	0.5	sliver off Henniker Rd	unknown
River Lot #2	12	135	3.1	wetland off Bear Hill Rd	unknown
Bear Hill Road Lot	12	156	31.5	South of Bear Hill Rd	unknown

## RIGHTS-OF-WAY PARCELS

Rights-of-way are defined as those strips of land acquired by reservation or dedication to be occupied by a road, crosswalk, railroad, electric transmission line, water line, or other similar uses. The right of a person or representatives of an entity to cross over the property of another is granted. For the purposes of this Plan, the types of rights-of-way which

### This Section

- γ Former Railroad Rights-of-Way
- γ Class VI Roads
- γ Scenic, Discontinued, and Abandoned Roads
- γ Utility Corridor Easements

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## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

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will be examined will be those of railroad, Class VI unmaintained Town roads, scenic, discontinued, and abandoned roads, and utility corridor easements because they are more conducive to encouraging trails activities.

Parcels are identified by Map and Lot number, with a listing of the Acreage of the property. In addition, the Town tax records indicate if the parcel is in Current Use and if a Building is located on the property. Examining these particular features of a parcel make it easier to identify if the land is more apt to be utilized as a trail, or if applicable (such as powerline easements, where only the utility company is officially granted access), if a landowner is more likely to grant additional access to his or her property. A "n/a" listing indicates that the parcel is tax-exempt. Some cells have been left blank because of discrepancies between the tax maps and the assessor's index. When identifying who is responsible for Management, the intent is to note who has agreed to take responsibility for overseeing the maintenance of the right-of-way. In the case of Class VI Roads, the right-of-way is Town owned, but is not maintained by the Town. Close attention should be paid the Public Uses of any parcel listed in this section, as some rights-of-way are inherently open to the public while others are not.

In Hillsborough, the Boston and Maine railroad may have retained some of the rights-of-way, while at least one section was purchased by the State and some were claimed by the abutting landowners or were turned into actual lots. Further research needs to be conducted to further understand the implications for using the former railroad right-of-way as a trail in Hillsborough. Nonetheless, for inventorying purposes, the same format is followed when identifying the abutting parcels.

### Former Railroad Rights-of-Way

In the mid-1850's, the industrial age was beginning to take shape throughout the country with the advent of the railroad. New Hampshire was home to 1,200 miles of newly-constructed railroad track by the mid-1880's. Not only did the arrival of the train era bring the ability to export local timber resources and textiles, it also allowed for the convenient moving of people. After a 1905 state law was passed that established a state highway system, plus the arrival of and popularity of motor cars, our dependency on the railroads within New Hampshire diminished. Many were abandoned or dismantled; the State claimed some of the former rights-of-way and so did abutting landowners.

The important limitation of the GPS within this Plan is its inability to correlate with the tax maps (see **Methodology** in the **INTRODUCTION**). Therefore, those trails indicated in the Plan with  may or may not have the appropriate parcels listed. Additional field checking should be

Former railroad rights-of-way offer tremendous recreational potential. They are typically flat, hard-packed, straight beds, with the ties removed, that run continuously for miles. Within the Town of Hillsborough, the Boston and Maine Railroad's legacy still has a presence along the Contoocook River, with a former railroad bed extending from the Henniker town line. With the growth of downtown, the bed has been "lost" to development although small sections may still exist.

As stated earlier, the status of the former railroad rights-of-way within Hillsborough is unclear. It is unknown whether the Town owns any right-of-way on any parcel, whether Boston and Maine or still has any claim to any right-of-way on any parcel, or whether the landowners themselves own the rights-of-way. Detailed parcel research would need to be completed to answer these questions.

For the purposes of this Plan, the former railroad rights-of-way are listed on a parcel-by-parcel basis for the existing segments of bed. The rights-of-way or trails identified in this section are referenced by a

## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

circled number which correlates to the **Existing Trail System Map** found at the back of this Plan. The parcel information was obtained by referring to the approximate location of the former railroad right-of-way on the Town's tax maps. Despite the questions of ownership of the rights-of-way, the parcels are privately owned and should be duly respected.

### Former Railroad Right-of-Way Segment: Old Railroad Drive to Preston Street

1

The former right-of-way actually begins at the Henniker town line, but for the purposes of this section of the Plan, we started parcel data collection at Old Railroad Drive because the Night Riders have a trail along the portion between Old Railroad Drive and the Henniker Town line. This trail segment is inventoried later in the Plan under **INVENTORY OF EXISTING TRAILS**.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Former Railroad ROW: Old RR Dr to Preston St	12	103	1.8	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	104	6	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	105	12.9	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	106	6.3	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	107	6.6	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	110	7.5	y	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	113	2	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	114	1.1	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	115	1.8	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	116	.872	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	117	0.7	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	118	1	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	119	0.5	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	120	0.2	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	121	17.5	y	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	122	28.4	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	123	0.3	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	124	3.6	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	125	0.34	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	126	0.9	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	128	1.4	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	315	11.2	n	y	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	322	1.22	n	n	private	unknown - contact landowner
Former Railroad ROW: Old RR Dr to Preston St	12	323	1.5	n	y	private	unknown - contact landowner

Former Railroad Right-of-Way Segment: Norton Drive to Deering Town Line

This former railroad bed segment is interrupted by development from Norton Drive to Bridge Street, although many of the lots themselves follow directly along the old right-of-way. After Bridge Street, it appears that the State of New Hampshire owns the lot that comprises the remainder of the entire right-of-way into Deering, but future research needs to be conducted to ascertain if any public access is allowed here. Historically, there used to be a trestle and a unique, curved covered bridge along this segment.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Former Railroad ROW: Norton Dr to Deering TL	23	159	0.2	n	n	private	unknown - contact landowner
Former Railroad ROW: Norton Dr to Deering TL	24	97	0.8	n	y	private	unknown - contact landowner
Former Railroad ROW: Norton Dr to Deering TL	24	117	2.2	n	n	private	unknown - contact landowner
Former Railroad ROW: Norton Dr to Deering TL	24	141	0.9	n	n	private	unknown - contact landowner
Former Railroad ROW: Norton Dr to Deering TL	24	147	0.4	n	n	private	unknown - contact landowner
Former Railroad ROW: Norton Dr to Deering TL	25	27	2.7	n	n	State of NH ?	unknown - contact landowner

### **Class VI Roads**

Municipal highways become known as Class VI roads if they are unmaintained for five or more years; or if they are voted as "discontinued subject to gates and bars" at Town Meeting; or, less commonly, if a strip of land which was not previously a roadway, is "laid out" subject to gates and bars under an old law. Regardless of the way by which a road became Class VI, the Town is not obligated to maintain the road. Class VI "discontinued subject to gates and bars" at Town meeting (meaning the public still has the right-of-way) are different from roads that have been voted at Town Meeting as "discontinued" (meaning that the roadway is permanently no longer a public right-of-way).

Typically, Class VI roads are public rights-of-way that are used for recreational purposes, for through-travel, for driveway access, and for other uses such as agricultural and forestry activities. The Town is not liable for damages or injuries incurred while traveling on a Class VI (RSA 231:93). In addition, the owners of the properties abutting the Class VI road are not liable for damages or injuries sustained to users of the road, although they may choose to maintain the road for access to their property. A Class VI right-of-way is one of the best types of rights-of-way to consider for a recreational trail system: there are no inherent liability concerns, the pathway has been established, and public access is allowed.

The parcels in this section are so listed because of the inherent interest an abutter has to a Class VI road (vehicular access to property, privacy, particular concerns, etc). The Management column in this section lists "n/a" because private landowners are responsible for their own property. Although the Class VI road rights-of-way belong to the Town, they are not maintained or "enforced" by the Town. The Public Uses listed in this section refer to the uses of the *right-of-way*, not to any private parcel that is listed here.

For the purposes of this Plan, it is assumed that the Class VI roads listed in this section are public rights-of-way that have not been discontinued or are not private roads. Extensive research of Town Meeting records would need to be undertaken to verify this assumption.

### **Class VI Colby Hill Road**

This road begins as a Class V gravel road, then leads as an unimproved Class VI road into Henniker. It has a gentle slope, and would be suitable for multiple uses. Parking for recreational use would be off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Colby Hill Road	3	23	31.1	y	y	n/a	general public use
Class VI ROW: Colby Hill Road	3	13	8.9	y	n	n/a	general public use
Class VI ROW: Colby Hill Road	3	21	17.3	y	n	n/a	general public use
Class VI ROW: Colby Hill Road	3	22	23.1	n	y	n/a	general public use
Class VI ROW: Colby Hill Road	3	43	12.5	y	y	n/a	general public use
Class VI ROW: Colby Hill Road	6	38	290.9	n	n	n/a	general public use

### **Class VI Concord End Road (Northern Segment)**

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The rocky, steep slope up from the Class V portion of the road hits a grassy crest, then continues on to a steep, rocky downhill to become Class V once again. The road would be suitable for multiple uses, and parking would be off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Concord End Road (North)	6	12	63.6	y	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	14	55	n	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	16	42.4	y	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	17	6.7	n	y	n/a	general public use
Class VI ROW: Concord End Road (North)	6	18	45.3	y	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	19	6.8	n	y	n/a	general public use
Class VI ROW: Concord End Road (North)	6	20	0.7	n	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	25	10.3	y	y	n/a	general public use
Class VI ROW: Concord End Road (North)	6	27	14.6	n	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	29	61.3	y	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	31	22.5	n	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	32	5.7	y	n	n/a	general public use
Class VI ROW: Concord End Road (North)	6	33	1	n	y	n/a	general public use
Class VI ROW: Concord End Road (North)	6	34	131.2	y	y	n/a	general public use

**Class VI Concord End Road (Southern Segment)**

The road continues up a steep and long climb, then turns into a rocky, washed-out descent, where it becomes Class VI south of Flint Road. Points of interest include two old cellar holes and an old family cemetery. The road would be suitable for multiple uses, and parking could be located at the Fox Forest headquarters on Center Road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Concord End Road (South)	8	143	193.5	n	n	n/a	general public use
Class VI ROW: Concord End Road (South)	9	2	478.4	n	y	n/a	general public use



**Class VI County Road**

The privately maintained County Road deteriorates into a rolling and rocky access into Bradford. The road would be suitable for multiple uses, and parking would be off-road. County Road was designated as a scenic road from East Washington Road to the Bradford town line in 1974.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: County Road	2	2	8.5	y	n	n/a	general public use
Class VI ROW: County Road	2	4	42.8	y	n	n/a	general public use
Class VI ROW: County Road	2	5	30.5	y	n	n/a	general public use
Class VI ROW: County Road	2	6	25.1	y	n	n/a	general public use
Class VI ROW: County Road	2	9	92.5	y	n	n/a	general public use
Class VI ROW: County Road	2	13	268	y	n	n/a	general public use
Class VI ROW: County Road	2	19	106	y	n	n/a	general public use
Class VI ROW: County Road	2	36	7.2	y	n	n/a	general public use

**Class VI Dean Hill Road**

The rocky, eroded Dean Hill Road is very steep in parts and has a nice wooded view to the east. It connects the Class V section of North Road with the Class VI Kimball Road. The road would be suitable for multiple uses, and parking would be off-road. Dean Hill Road was designated as a scenic road from North Road to Kimball Road in 1973.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Dean Hill Road	3	2	41.4	n	n	n/a	general public use
Class VI ROW: Dean Hill Road	3	3	53.5	y	y	n/a	general public use
Class VI ROW: Dean Hill Road	3	15	13.4	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	3	29	115.0	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	3	31	20.9	y	y	n/a	general public use
Class VI ROW: Dean Hill Road	3	32	10.0	n	y	n/a	general public use
Class VI ROW: Dean Hill Road	3	33	122.3	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	3	39	143.7	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	3	48	55.8	y		n/a	general public use
Class VI ROW: Dean Hill Road	3	49	6.3			n/a	general public use
Class VI ROW: Dean Hill Road	3	50	39.2	n		n/a	general public use
Class VI ROW: Dean Hill Road	6	1	471.0	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	6	2	69.6	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	6	3	61.4	Y	n	n/a	general public use

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Class VI ROW: Dean Hill Road	6	4	27.5	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	6	11	40.7	y	n	n/a	general public use
Class VI ROW: Dean Hill Road	6	13	38.9	y	n	n/a	general public use

**Class VI Eli Road**

This short road, which leads north off of Carter Hill Road, is very steep. It leads to several interesting old cellar holes and archaeological sites. The road would be suitable primarily for foot travel, and parking would be found off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Eli Road	3	9	144.1	y	y	n/a	general public use
Class VI ROW: Eli Road	3	10	36.9	y	n	n/a	general public use
Class VI ROW: Eli Road	3	17	44.1	y	n	n/a	general public use

**Class VI Farley Road Segment**

The lower end of Farley Road is inundated by beaver and pond flowage, not passable in summer. Its north end is gravelly, and has a fairly steep slope up to Danforth Corners Road. The Class VI portion of Farley Road would be suitable for foot travel and winter use, and parking can be found roadside off Danforth Corners Road and at the north end of Farley Road. In 1974, the Town designated Farley Road, from Gleason Falls Road to Danforth Corners Road, as a scenic road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Farley Road Segment	4	4	108.2	y	n	n/a	general public use
Class VI ROW: Farley Road Segment	4	53	101.6	y	n	n/a	general public use
Class VI ROW: Farley Road Segment	4	54	55.5	y	y	n/a	general public use
Class VI ROW: Farley Road Segment	5	60	16.0	y	n	n/a	general public use
Class VI ROW: Farley Road Segment	5	67	1.7	n	n	n/a	general public use
Class VI ROW: Farley Road Segment	5	69	10	y	n	n/a	general public use
Class VI ROW: Farley Road Segment	5	70	35.6	y	y	n/a	general public use

**Class VI Gleason Falls Road Segment**

This segment of Gleason Falls Road is bony and eroded. Once a town-maintained road, the ledgy remains of this portion of Gleason Falls Road contains one climb and one descent. The road would be suitable for multiple uses, and parking would be off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Gleason Falls Road	7	104	10.6	n	y	n/a	general public use
Class VI ROW: Gleason Falls Road	7	105	54.9	y	n	n/a	general public use
Class VI ROW: Gleason Falls Road	7	118	31.4	n	n	n/a	general public use
Class VI ROW: Gleason Falls Road	8	1	54.7	y	n	n/a	general public use
Class VI ROW: Gleason Falls Road	8	4	42.6	n	n	n/a	general public use

**Class VI Greene Road**

Greene Road is a short, half-mile long connector between Severance Road on the southwest and Sleeper Road on the northeast. Heading northeast from Severance, it dips and then climbs slightly. The surface is gravel and quite smooth with a small wet area at the dip/stream crossing. It is forested on both sides except for clearings at the northern end where there are two small dwellings. It is a gentle and pleasant walk.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Greene Road	1	13	23.1	n	n	n/a	general public use
Class VI ROW: Greene Road	1	14	1.6	n	y	n/a	general public use
Class VI ROW: Greene Road	1	15	12.0	y	y	n/a	general public use
Class VI ROW: Greene Road	1	16	1.6	n	n	n/a	general public use
Class VI ROW: Greene Road	1	17	6.4	n	n	n/a	general public use
Class VI ROW: Greene Road	1	18	20.8	y	n	n/a	general public use
Class VI ROW: Greene Road	1	71	3.4	n	n	n/a	general public use

**Class VI Kimball Road**

This improved Class VI road offers a rolling slope leading past homesteads to the Conservation Commission's House Rock property off of Sand Knoll Road. The road would be suitable for multiple uses, and parking can be found at House Rock. In 1973, Kimball Road was designated as a scenic road from Dean Hill Road to Sand Knoll Road.

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<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Kimball Road	3	3	53.5	y	y	n/a	general public use
Class VI ROW: Kimball Road	3	4	100.5	y	n	n/a	general public use
Class VI ROW: Kimball Road	3	5	41.9	y	y	n/a	general public use
Class VI ROW: Kimball Road	3	6	20.0	n	n	n/a	general public use
Class VI ROW: Kimball Road	3	32	10.0	n	y	n/a	general public use
Class VI ROW: Kimball Road	3	33	122.3	y	n	n/a	general public use
Class VI ROW: Kimball Road	3	34	59.1	y	n	n/a	general public use
Class VI ROW: Kimball Road	3	35	7.1	n	y	n/a	general public use
Class VI ROW: Kimball Road	3	41	0	n	n	n/a	general public use

**Class VI Kimball Hill Road**

Kimball Hill Road is Class V to the top of the hill, where the Class VI portion begins. There are great views in all directions, particularly those of Mount Monadnock. The road would be suitable for multiple uses, and parking would be found off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Kimball Hill Road	5	56	107.9	y	n	n/a	general public use
Class VI ROW: Kimball Hill Road	5	57	44.7	y	n	n/a	general public use
Class VI ROW: Kimball Hill Road	5	66	11.51	y	y	n/a	general public use
Class VI ROW: Kimball Hill Road	5	146	5.0	y	n	n/a	general public use
Class VI ROW: Kimball Hill Road	5	147	5.0	y	n	n/a	general public use
Class VI ROW: Kimball Hill Road	5	148	5.0	y	n	n/a	general public use
Class VI ROW: Kimball Hill Road	5	149	5.0	y	n	n/a	general public use

**Class VI North Road**

A beautiful stream crosses this old, unimproved town road at the bottom. North Road connects to Concord End Road-North Section, and is suitable for multiple uses. Parking would be found off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: North Road	6	18	45.3	y	n	n/a	general public use
Class VI ROW: North Road	6	20	0.7	n	n	n/a	general public use
Class VI ROW: North Road	6	50	39.2	y	y	n/a	general public use
Class VI ROW: North Road	6	55	0.3	n	n	n/a	general public use

**Class VI Old Railroad Drive**

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Old Railroad Drive is a level, former railroad bed that offers great fishing access to the Contoocook River. Old stone abutments are visible at the bridge crossing. The road would be suitable for multiple uses, and parking would be found off-road.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Class VI ROW: Old Railroad Drive	9	123	14.5	n	y	n/a	general public use
Class VI ROW: Old Railroad Drive	9	124	0.8	n	y	n/a	general public use
Class VI ROW: Old Railroad Drive	9	125	3.3	n	n	n/a	general public use
Class VI ROW: Old Railroad Drive	9	126	4.5	n	n	n/a	general public use
Class VI ROW: Old Railroad Drive	9	127	2.9	n	n	n/a	general public use
Class VI ROW: Old Railroad Drive	9	128	35.0	y	n	n/a	general public use

### Class VI Sand Knoll Road

The terrain on Sand Knoll Road varies from gravelly to rocky. The slopes are both gradual and steep in different stretches. The road offers a view of old managed forestry at work, and follows the course of Sand Brook. The road would be suitable for multiple uses for an out-and-back trip. Parking would be off-road. Some of the lots listed here appear to have been merged with abutting lots as no information is available from the assessor's index.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Class VI ROW: Sand Knoll Road	3	1	717.0	n	n	n/a	general public use
Class VI ROW: Sand Knoll Road	3	6	20.0	n	n	n/a	general public use
Class VI ROW: Sand Knoll Road	3	7	3.7	n	y	n/a	general public use
Class VI ROW: Sand Knoll Road	3	8	150.5	y	n	n/a	general public use
Class VI ROW: Sand Knoll Road	3	25	6.6	n	n	n/a	general public use
Class VI ROW: Sand Knoll Road	3	35	7.1	n	y	n/a	general public use
Class VI ROW: Sand Knoll Road	3	36	47.1	n	n	n/a	general public use
Class VI ROW: Sand Knoll Road	3	37	11.5			n/a	general public use
Class VI ROW: Sand Knoll Road	3	38	24.2			n/a	general public use

**Class VI Severance Road**

Severance, Sleeper, and Greene Roads are in the northwest corner of Hillsborough. Severance Road heads west to the Hillsborough/Washington town line where it becomes Kingsbury Hill Road and continues onto Smith Pond in Washington. Where Sleeper Road intersects to the north, Severance heads down a short steep hill between trees to cross a stream. The well-worn gravel road takes a sharp left and becomes a private driveway. It continues straight up a hill through old growth and low brush. At this point, it is little more than a path with the stream on the right. When the hill levels off, it opens to a fairly recent timber cut and thicker low bushes. Greene Road comes in the right and the road surface turns back to gravel. Severance again continues straight up a hill with a small cottage on the right. It then dips down to cross a wet area and becomes rocky and eroded as it crosses the town line and goes up between Kingsbury and Jones Hills.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Severance Road	1	11	63.9	y	n	n/a	general public use
Class VI ROW: Severance Road	1	12	28.6	n	n	n/a	general public use
Class VI ROW: Severance Road	1	14	1.6	n	y	n/a	general public use
Class VI ROW: Severance Road	1	40	115.0	y	n	n/a	general public use
Class VI ROW: Severance Road	1	43	1.6	n	n	n/a	general public use
Class VI ROW: Severance Road	1	44	24.4	n	y	n/a	general public use
Class VI ROW: Severance Road	1	46	108.3	y	y	n/a	general public use
Class VI ROW: Severance Road	1	47	6.2	y	n	n/a	general public use

**Class VI Sleeper Road**

Sleeper Road runs north from Severance along a ridge to Greene Road then descends down across the Hillsborough Washington line into East Washington. Along the ridge, the road is gravelly and in good condition with a few ruts and holes. On the west side of the ridge, the land drops sharply. The road is mostly wooded on both sides with a few open or logged areas and little elevation increase to the intersection with Greene Road. After the Greene Road intersection, Sleeper Road deteriorates into a rutted and eroded surface. It gradually descends to the town line with some cleared areas and a view of Lovewell Mountain to the northwest. This is a very nice wooded area of the road with stonewalls on both sides and a cellar hole but no buildings. Beyond the town lines, the road continues down Mill Hill Road into East Washington.

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Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Class VI ROW: Sleeper Road	1	4	17.4	y	n	n/a	general public use
Class VI ROW: Sleeper Road	1	5	91.0	n	n	n/a	general public use
Class VI ROW: Sleeper Road	1	10	63.6	y	n	n/a	general public use
Class VI ROW: Sleeper Road	1	17	6.4	n	n	n/a	general public use
Class VI ROW: Sleeper Road	1	18	20.8	y	n	n/a	general public use
Class VI ROW: Sleeper Road	1	19	30.3	n	n	n/a	general public use
Class VI ROW: Sleeper Road	1	45	2	y	n	n/a	general public use
Class VI ROW: Sleeper Road	1	47	6.2	y	n	n/a	general public use
Class VI ROW: Sleeper Road	1	48	32.6	y	y	n/a	general public use

### Class VI Sulphur Hill Road Area (aka Bagley Pond Road)

The approximate 3/4 mile Class VI section of Sulphur Hill Road runs from just west of the intersection of Hall Road and beyond the last house and a small created pond. The road is gravel, crosses a small stream which is the outlet from the pond, then climbs to where it crosses an unnamed old town road which goes between Breezy Point on Pierce Lake and Windsor near the northeastern end of Bagley Pond. Sulphur Hill Road is a gradual climb on the southeast side of the hill. The road has water and erosion damage, but is in fairly good condition. Recent timber harvesting has opened up views of Gibson and Riley mountains in Antrim to the southeast. A lumber road extends beyond Sulphur Hill Road to Bagley Pond to the west. A portion of Sulphur Hill Road is thought to be discontinued, but further research would need to be conducted in order to confirm this speculation and to determine if Sulphur Hill Road and Bagley Pond Road are two distinct roads.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Class VI ROW: Sulphur Hill Road Area	10	2	442.4	y	n	n/a	general public use
Class VI ROW: Sulphur Hill Road Area	10	9	21.9	y	y	n/a	general public use
Class VI ROW: Sulphur Hill Road Area	10	10	4.1	n	n	n/a	general public use
Class VI ROW: Sulphur Hill Road Area	10	11	0.92	n	y	n/a	general public use
Class VI ROW: Sulphur Hill Road Area	10	12	1.38	n	y	n/a	general public use
Class VI ROW: Sulphur Hill Road Area	10	13	209.5	y	n	n/a	general public use

**Class VI Whitney Road**

This rocky, washed out former town road descends from the Class V section at Jefferson Drive to a brook crossing, then ascends a short steep section to Center Road. The road would make for a pleasant hiking or biking adventure! The parking would be off-road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Class VI ROW: Whitney Road	9	2	478.4	n	y	n/a	general public use
Class VI ROW: Whitney Road	9	47	37.4	y	y	n/a	general public use
Class VI ROW: Whitney Road	12	178	13.0	y	y	n/a	general public use
Class VI ROW: Whitney Road	12	205	1.8	n	n	n/a	general public use
Class VI ROW: Whitney Road	12	230	1.4	n	n	n/a	general public use
Class VI ROW: Whitney Road	12	231	0.7	n	n	n/a	general public use
Class VI ROW: Whitney Road	12	232	0.7	n	n	n/a	general public use
Class VI ROW: Whitney Road	12	233	0.9	n	n	n/a	general public use

**Scenic, Discontinued, and Abandoned Roads**

Other types of roads also can provide a pleasant recreational experience. Scenic roads are those which have been officially designated as such at Town Meeting. Typically, what clearing or development-type activities that occur along the sides of scenic roads are limited in the zoning ordinance, such as not allowing the removal of stone walls, or specifying how many trees can be cut in any given section.

Fully discontinued roads are roads that were voted at Town Meeting to revert to the abutting landowners, in effect becoming private roads. These are the roads that we will focus on in this Plan. A different category of discontinued roads exist, where the road is voted at Town Meeting as "discontinued subject to gates and bars", essentially becoming a Class VI road to which the public still has access. Since the road is Class VI, this type of road was been addressed in the previous section and will not be discussed here. Abandoned roads are those public roads which have fallen into disuse and that the Town have neglected to maintain, thus becoming Class VI by default. Technically, abandoned roads are still Town roads and the public has the right to pass, but since they have lain dormant for so long, approval by the abutting landowners should be obtained before using abandoned roads for recreational or other purposes.

The following is a partial list of those roads the Trails Steering Committee thought were scenic, abandoned, and discontinued. It is important to note that of the three different types of roads in this section, only scenic roads allow true public access. For consideration of an open space trail network, scenic, discontinued, and abandoned roads have the potential to serve as linkages. The Trails Steering Committee is inventorying the assets of the Town to the best of their ability and strongly recommends that further research be conducted into the statuses of all of the roads listed below. Where there is any question as to usage, abutting landowners should be contacted for permission.

**Barden Hill Road - Scenic Road**



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Designated in 1980, this Class V road leads from the Second NH Turnpike south to the Antrim town line. It broadly follows along Franklin Pierce Lake, where several private roads lead off toward the shore. Beautiful views of the lake can be seen from atop Barden Hill Road.

### Beard Road - Scenic Road

Beard Road was designated in 1975 as a scenic road from its intersection at Shedd and Jones Roads to East Washington Road. Beautiful views of valleys, several stone arch bridges, and Beard's Brook can be seen along this Class V road.

### Danforth Corners Road - Scenic Road

From Cooledge Road to East Washington Road, Danforth Corners Road was designated as scenic in 1975. This forested Class V road offers a short, pleasant tour of northwest Hillsborough.

### Jones Road- Scenic Road

From Beard Road, Jones Road heads east where it immediately crosses a lovely double arch stone bridge. It then climbs past open fields and by several large homes. As the hill levels, it becomes more wooded with open views to the south over fields. It dips and then climbs again with Bible Hill Road leading off to the south. The road is paved as it climbs gradually between Fox Forest on the south and SPNHF's "Cottrell Place" on the left, then continues approximately one half-mile uphill to Center Road. Jones Road was designated, in its entirety, as a scenic road in 1973.

### Second NH Turnpike - Scenic Road

Second NH Turnpike was designated as a scenic road from Barden Hill Road north to the old Fuller Corner in 1980, now Route 9.

### Shedd Road - Scenic Road

Shedd Roads runs between Route 31 just north of the Pierce Homestead east to Beard Road. From the Route 31 terminus, the road is paved a short distance to Harvey Memorial Cemetery at the south. From there, it changes to gravel, curving and dipping to cross Shedd Brook on a narrow bridge. It then climbs and curves up a short steep hill and continues to wind through the woods over a smooth gravel surface to Beard Road. There is one area on a hill with an open view. Shedd Road was designated as a scenic road in 1973.

### Allen Road - Abandoned Road

This old road no longer appears on the tax maps, but was once a connector between Beard Road and East Washington Road across from the existing private Grimes Cottage Road at Loon Pond.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Abandoned Road: Allen Road	5	74	25.9	y	n	private	none
Abandoned Road: Allen Road	5	76	5.7	n	y	private	none

### Bailey Adams Road - Abandoned Road

This abandoned road's southern end has been under water for years. It is inaccessible by motor vehicle. At its northern end, it is privately maintained and accessible only through private property.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Abandoned Road:	2	2	8.5	y	n	private	none

**INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY**

Bailey Adams Road							
Abandoned Road: Bailey Adams Road	2	3	61.8	y	y	private	none
Abandoned Road: Bailey Adams Road	2	7	53.1	y	n	Private	none
Abandoned Road: Bailey Adams Road	2	36	7.2	y	n	private	none

**Lyman Robbins Road - Abandoned Road**

This old, historical road is located completely within Low State Forest. Its lower half is frequently under water. Accessed from County Road, it is a lovely hike to an old cellar hole and farm site. Further research should be conducted to ascertain whether this road was indeed a Town road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Abandoned Road: Lyman Robbins Road	3	1	717	n	n	State	subject to state restrictions

**Old Road to Bible Hill - Abandoned Road**

Since the majority of this historic road will be removed with the construction of the bypass, parcels are not listed here. Fragments may remain near the Franklin Pierce Homestead Site or where Old Road to Bible Hill intersects with Beard's Road, so there is a possibility for these undisturbed small pieces to serve as short, interesting, scenic walks.

**Old Road from Route 9 to Sulphur Hill Road Area (aka Bagley Pond Road) - Abandoned Road**

This old road is walled in both sides along its entire length. From Route 9, the road descends to wetlands where a beaver dam has been built on the old road bed. This can be crossed in the winter when frozen over and in relatively dry periods the rest of the year. There is a gradual climb through the woods as cellar holes dot the landscape. There are no buildings on this 1-mile road, but the views and scenery are magnificent. The surface of the road ranges from eroded and rocky to wet and grassy, allowing for interesting passage.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Abandoned Road: Old Road from Route 9	10	2	442.4	y	n	private	none
Abandoned Road: Old Road from Route 9	10	5	267.7	n	n	private	none

**Moore Road - Discontinued**

Moore Road was a less than ½-mile long connector between Beard Road and Bible Hill Road. On the Beard Road side, the Moore Road is adjacent from conservation land along Beard's Brook. On the Bible Hill Road side, Moore Road exits just south of the conservation land on Bible Hill Road.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Discontinued Road: Moore Road	11F	52	3.1	n	y	private	none
Discontinued Road: Moore Road	11I	50	69.7	y	y	private	none
Discontinued Road:	11J	53	5.8	n	y	private	none

## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Moore Road							
Discontinued Road: Moore Road	11J	415	0.8	n	y	private	none
Discontinued Road: Moore Road	11J	431	1.62	n	y	private	none

### Old County Road - Discontinued Road

Old County Road began at Robbins Road and headed north before stopping just short of Loon Pond. Today, County Road gives access to all parcels on the east side of Loon Pond.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Discontinued Road: Old County Road	5	34	50.8	y	n	private	none
Discontinued Road: Old County Road	5	124	8.7	n	y	private	none
Discontinued Road: Old County Road	5	128	5.3	n	n	private	none
Discontinued Road: Old County Road	5	130	3.5	n	y	private	none

### Wilson Road - Discontinued

Wilson Road is an old wooded land that accesses farmsteads west of Stowe Mountain. It crosses several intermittent streams and terminates near a small pond. In fact, many old roads or logging roads cross the entire area and intersect with Wilson Road. Further research should be conducted to determine the status of these roads.

<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Discontinued Road: Wilson Road	4	8	73.5	y	n	private	none
Discontinued Road: Wilson Road	4	39	608.9	y	y	private	none

### Utility Corridor Easements

Utility easements are granted by private property owners to allow the placement of transmission lines across their property and to grant access for maintenance of those lines. The easements are recorded in the Registry of Deeds. Individuals are currently using some of these utility corridors for recreation, but landowner permission may not have been granted for such use by private citizens. Landowner permission should be obtained before any recreational users take advantage of these corridors. Utility easements are listed in this Plan because of their natural tendency, with wide, clear, and long avenues of travel, to become trails. Those columns which have neither a Current Use nor a Building listing, but which are marked by a "n/a", indicate the parcel is tax-exempt.

Although utility easements are considered rights-of-way, the right-of-way has not been granted to the public unlike other types of rights-of-way. There is one utility line corridor within Hillsborough, which was split into six segments for ease of examination and description. In addition, a waterline corridor that holds significant potential runs down from Loon Pond. Again, no use of the waterline corridor has been granted to the public.

### Public Service of NH Powerline Easement Corridor - Henniker Town Line to Center Road

3

This corridor segment extends almost five miles as it travels from the Henniker town line to Center Road. It travels roughly parallel 1/4 mile out from the new bypass. There is little in the way of elevation change for the entire stretch.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: Henniker TL to Center Road	9	96	1.62	n	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	9	97	2.7	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	9	98	12.3	y	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	9	119	26.3	y	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	9	120	1.7	n	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	9	121	1.0	n	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	9	171	11.6	y	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	3	31.2	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	8	0.1	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	11	23	n	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	39	6.4	y	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	40	5.7	y	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	41	5.7	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	42	5.8	n	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	43	11.1	y	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	45	12.2	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	47	13.4	n	n	PSNH	none - utility maintenance only

## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

PSNH Easement: Henniker TL to Center Road	12	48	44.6	y	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	79	14.3	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	248	0.915	n	y	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	249	0.907	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	250	0.982	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	251	0.82	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	290	1.092	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	291	0.832	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	295	0.991	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	296	1.302	n	n	PSNH	none - utility maintenance only
PSNH Easement: Henniker TL to Center Road	12	297	0.78	n	y	PSNH	none - utility maintenance only

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### Public Service of NH Powerline Easement Corridor - Center Road to West Main Street

At Center Road, the powerline corridor continues and cuts through a corner of the Fox Forest, remaining parallel with the new bypass. It then crosses Bible Hill Road and converges with four other segments at the intersection of West Main Street at Beard's Brook. The entire corridor segment is approximately 1.5 miles long and has little elevation change.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: Center Rd to West Main St	11F	43	7.0	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11F	44	3.3	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11F	60	2.8	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	61	17.2	n	n	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	68	1.4	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	69	1.4	n	n	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	70	1.7	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	71	1.5	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	74	0.9	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	78	1.4	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	151	0.7	n	n	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	152	75.4	y	n	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	153	0.9	n	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	161	0.8	n	n	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11K	162	0.8	n	y	PSNH	none - utility maintenance only
PSNH Easement:	11K	359	1.0	n	y	PSNH	none - utility

## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

Center Rd to West Main St							maintenance only
PSNH Easement: Center Rd to West Main St	11N	201	22.8	y	y	PSNH	none - utility maintenance only
PSNH Easement: Center Rd to West Main St	11N	203	25.6	n	n	PSNH	none - utility maintenance only

### Public Service of NH Powerline Easement Corridor - West Main Street to Franklin Pierce Lake (Northern)

5

This mile long segment crosses Keith and Sawmill Roads to reach the edge of Franklin Pierce Lake. Again, there is almost no elevation change along the length of this corridor.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: West Main St to F Pierce Lake	11D	258	32.2	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	265	10.00	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	266	12.5	y	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	269	2.7	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	297	33.0	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	298	16.4	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	299	1.3	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	407	4.5	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	240	1.3	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	245	0.4	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	288	65.2	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	417	9.2	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11H	267	10.0	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	20	2.0	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	22	1.5	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	24	0.043	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	30	0.2	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	32	2.0	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	33	2.0	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	34	2.2	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	35	2.2	n	y	PSNH	none - utility maintenance only

### Public Service of NH Powerline Easement Corridor - West Main Street to Contoocook River

6

At the West Main Street and Beard's Brook intersection, this corridor backtracks to the east. It crosses Beard's Brook and Antrim Road before crossing the Contoocook River at the confluence of the brook.

## INVENTORY OF PUBLIC LANDS, EASEMENTS, AND RIGHTS-OF-WAY

This corridor is almost a mile long, and follows along the base of the slope before crossing into the floodplain of the Contoocook.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: West Main St to Contoocook	11H	305	62.2	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11K	310	5.2	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11K	323	6.6	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11K	335	18.6	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11K	430	8.3	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11L	311	37.2	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11L	327	2.3	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11L	328	15.1	y	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11L	329	30.8	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Contoocook	11L	331	22.2	y	y	PSNH	none - utility maintenance only

### Public Service of NH Powerline Easement Corridor - West Main Street to Antrim Town Line

This ¾-mile powerline corridor segment travels from the West Main Street and Beard's Brook intersection up a steep hill before it reaches the Antrim town line. It crosses only two large parcels.

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Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: West Main St to Antrim TL	11H	305	62.2	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to Antrim TL	11H	306	38.7	y	n	PSNH	none - utility maintenance only

Public Service of NH Powerline Easement Corridor - West Main Street to Franklin Pierce Lake (Southern)

The last stem of the corridors from West Main Street travels across Second NH Turnpike before reaching the Antrim town line at Franklin Pierce Lake. The segment is about three miles long climbs steeply along its entire route.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
PSNH Easement: West Main St to F Pierce Lake	11G	288	5.2		y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	297				PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	298				PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11G	417	9.2	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11H	305	62.2	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	258	32.8	y	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	265	10.0		n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	266	12.5	y	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	267				PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	268	7.401		n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	11D	269	2.7		n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	20	2.0	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	22	1.5	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	24	0.043	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	30	0.2	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	32	2.0	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	33	2.0	n	n	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	34	2.2	n	y	PSNH	none - utility maintenance only
PSNH Easement: West Main St to F Pierce Lake	21	35	2.2	n	y	PSNH	none - utility maintenance only



**Waterline Easement Corridor - Loon Pond to Jones Road**


From Loon Pond, the waterline travels south through lots owned by the Water Commission and privately owned parcels, including the Cottrell Place. The easement corridor has interesting features and should be considered for incorporation into the open space trail system network in cooperation with landowners and the Water Commission.


<b>Name</b>	<b>Map #</b>	<b>Lot #</b>	<b>Acres</b>	<b>Curr Use?</b>	<b>Bldg?</b>	<b>Management</b>	<b>Public Uses</b>
Waterline Easement: Loon Pond to Jones Road	5	96	24.8	n	y	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	5	117	3.3	n	n	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	5	118	10.0	n	y	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	34	13.0	y	y	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	35	10.4	n	n	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	40	106.0	y	y	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	44	25.3	y	y	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	45	4.0	n	n	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	46	4.0	y	n	Water Commission	none - utility maintenance only
Waterline Easement: Loon Pond to Jones Road	8	125	42.5	y	n	Water Commission	none - utility maintenance only



III. INVENTORY OF EXISTING TRAILS

Two types of trails are being identified for this Plan: non-motorized and motorized. The trails listed in this chapter are being separated into one of these two groups for functional as well as organizational purposes. By inventorying both motorized and non-motorized trails, it can be determined if enough opportunities have been made available to both types of users. The non-motorized trails listed in this section have not been officially designated as non-motorized trails by the Town or by landowners; they are listed as such because non-motorized uses are typically the least intrusive type of use. It is also known that there are several private trails within the Town that are not listed in the **NON-MOTORIZED TRAILS** section because landowners have not been contacted, or they have specifically requested that their trails not be listed. Techniques for talking with landowners and establishing trails, both non-motorized and motorized, are listed in the **IMPLEMENTATION MEASURES** chapter.

The important limitation of the GPS within this Plan is its inability to correlate with the tax maps (see **Methodology** in the **INTRODUCTION**). Therefore, those trails indicated in the Plan with a  may or may not have the appropriate parcels listed. Additional field checking should be

The trails identified in this  section are referenced by a circled number which correlates to the **Existing Trail System Map** found at the back of this Plan. A summary chart entitled **Summary of Existing Trails and Rights-of-Way** is found at the end of this chapter. This chart is meant to provide, at a glance, the Public Uses for each trail and if each landowner has granted permission for using the trail on his or her property.

NON-MOTORIZED TRAILS

Non-motorized trails are those which are designed for pedestrian, cycling, or equestrian use during the warm months as well as cross-country skiing, snowshoeing, or dog-sledding during the winter. Hillsborough has a group of avid equestrians who readily allow non-motorized public access to their property with permission. Also, the Hillsborough Night Riders focus on all modes of trail recreation and can be another valuable asset to tap into.

Future editions of this Plan may include additional non-motorized trails. In preparation for this, a Public Uses column will note the restrictions of trails by the landowners. Note that some of the trails listed in the non-motorized section may be private trails where landowner permission has not been acquired for public use of these trails. They will be listed in the Plan with the intent to attempt, in the future, to acquire landowner permission for use of these trails.

- Non-Motorized Winter Trail Uses:  
cross-country skiing  
snowshoeing  
dog-sledding  
horse driving (carriage / sled)
- Non-Motorized Summer Trail Uses:  
walking / hiking  
mountain biking  
horseback riding  
roller-blading / skateboarding -  
(where permitted by

Public Trails - Fox Forest

Fox State Forest is the State of NH's research and demonstration forest. The land, buildings, and a trust were a gift to the State from Miss Caroline A. Fox. Experiments have been conducted here since 1933.

## INVENTORY OF EXISTING TRAILS

The forest contains approximately 1,445 acres, and is open to the public for foot travel, containing over 20 miles of trails. Motorized wheeled vehicles are strictly prohibited, but snowmobiles are allowed in the winter\*. Parking is provided at the headquarters on Center Road and at the intersection of Bog Road and Gould Pond Road. Trail guides are available at the headquarters. Points of interest are Mud Pond Bog, Black Gum Swamp, Monroe Hill Tower and the Henry I. Baldwin Forestry Education Center.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Public Trails: Fox Forest	8	143	193.5	n/a	n	NH DRED	non motorized*
Public Trails: Fox Forest	9	2	478.4	n/a	y	NH DRED	non motorized*
Public Trails: Fox Forest	9	172	129.4	n/a	n	NH DRED	non motorized*
Public Trails: Fox Forest	9&11	144	635	n/a	n	NH DRED	non motorized*

### Public Trail - Contoocook Riverwalk

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The Hillsborough Riverwalk, located on the Contoocook River near Grimes Field in southeast Hillsborough, is an interpretive trail fit for families and older folks to walk or bike. The trailhead is behind the baseball fields, and ample parking (20-30 cars) is available. The trail starts east of the parking lot as an access road for the first hundred meters or so and then narrows to a footpath just beyond the end of the road at a sign that reads "Nature Trail". The trail is mostly flat and marked with white painted blazes. Posts with numbers and letters engraved into the tops refer the follower to a guide describing significant events or features at that spot. The Riverwalk loops back and returns to the beginning. A trail brochure is available which describes points of interest and native species.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Public Trail: Contoocook Riverwalk	12	131	15.8	n	y	Town	public use allowed
Public Trail: Contoocook Riverwalk	12	132	19.8	n	y	private	none
Public Trail: Contoocook Riverwalk	12	134	56.6	n	n	Town	public use allowed

12

Private Trails - County Road to Kimball Road

A network of private trails exist just south of Low State Forest. One that connects County Road and Kimball Road climbs steeply to the top of the hill and is approximately 1.5 miles long. In addition, a ½-mile loop at the summit adds another scenic view of the Low State Forest. These trails are on private property and landowners should be contacted prior to using these trails.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Private Trails: County Road and Kimball Rd	2	13	268	y	n	private	contact landowner
Private Trails: County Road and Kimball Rd	3	1	717.0	n	n	State	contact landowner
Private Trails: County Road and Kimball Rd	3	29	115.0	y	n	private	contact landowner

13

Private Trail - County Road to Dean Hill Road

Beginning at the Seymour Lot, this trail crosses over a large flat area before ascending. The trail follows ridges and descends to Dean Hill Road. The trail is approximately 1.5 miles long. Although the Seymour Lot is publicly owned, the landowner of the large parcel should be contacted prior to using this trail, almost the entire length of which is privately owned.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Private Trail: County Road and Dean Hill Rd	5	55	10.8	n	n	Cons Comm	contact Cons Comm
Private Trail: County Road and Dean Hill Rd	6	1	471.0	y	n	private	contact landowner

14

Private Trail - Kimball Hill Road to Loon Pond

This trail was cut recently for private snowmobile use. It is a short trail (can be done in less than an hour) marked by reddish-orange blazes painted on trees. This trail is characterized by short, steep climbs and descents. The overall gain in elevation is minimal, but a number of hills are traversed throughout the course of the hike. The trailhead near Loon Pond, which is on land owned by the Town Water Commission, is located on the right less than a mile down County Road from East Washington Road. The trail ends at Kimball Hill Road. The Water Commission and the private landowners should be contacted prior to any use of this private trail.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Private Trail: Kimball Road to Loon Pond	5	56	107.9	y	n	private	contact landowner
Private Trail: Kimball Road to Loon Pond	5	61	73.6	y	y	private	contact landowner
Private Trail: Kimball Road to Loon Pond	5	141	52.6	n	n	Water Commission	contact landowner

Private Trail - North Road to Concord End Road

This ¾-mile trail connects Fox State Forest at Concord End Road to North Road. The land over which it crosses is privately owned, and its owners should be contacted prior to using this trail.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Management	Public Uses
Private Trail: North Rd to Concord End Rd	6	94	16.7	y	y	private	contact landowner
Private Trail: North Rd to Concord End Rd	9	1	104.6	y	n	private	contact landowner

**MOTORIZED TRAILS**

Motorized trails are typically considered those suitable for all-terrain vehicle (ATV), four wheel-drive vehicle (4WD), snowmobile, or motorbike usage. Often times, motorized trails are posted to accommodate one or more of the different types of vehicles and not all of the types; also, not all motorized trails are suitable for non-motorized use because of the potential danger of multiple uses or by landowner agreement. The Public Uses states the uses of the trail permitted by private landowners; all other uses require explicit permission by the landowners. When discussing existing trails, one or more groups holds the responsibility for maintaining these trails across private (or public) property. This group is identified in the Maintenance column.

Many of the recognized motorized trails within the Town are snowmobile trails organized and maintained by the Hillsborough Night Riders. Permission has been obtained from all landowners for winter snowmobile usage. For identification purposes, these trails are examined in segments between roadways.

**Hillsborough Night Riders Snowmobile Club**

Hillsborough's local trail group has done extensive trails work within the Town. Members contacted landowners about allowing access to their property and obtained the necessary agreements, constructed the trails with volunteer labor, and maintain the trails during the summer and winter months. Currently, the Night Riders are a small group of individuals who continue to work on recruiting new volunteers to help with the maintenance and signage of the trails. In order to protect the interests and agreements of both the Hillsborough Night Riders and the private landowners who have allowed snowmobile access, these trails must not be used by individuals during the summer without explicit landowner permission. In addition, because the Night Riders work hard to create and maintain the trails, cooperation with the club is highly encouraged before any use of the trails, other than winter snowmobile use, is undertaken.

Motorized Winter Trail Uses:

ATV'ing  
snowmobiling

Motorized Summer Trail Uses:

motorbiking  
ATV'ing

Unfortunately, unauthorized summer motorized vehicle use of the trails have torn up portions of the maintained trails. Private property owners who have not given permission for motorized uses in the summer can close the improperly used trails to the public, thus terminating an essential link to the Night Riders' trail system that they have worked hard to develop.

Because the Night Riders have created and maintained these trails, noted below, the utmost respect should be given to the Public Uses of the trails.

The parcels listed below each trail segment were taken from the tax maps based upon the approximate location of the snowmobile trails. The Maintenance column indicates who has taken responsibility for the maintenance and signage of the trail. A "n/a" listing indicates that the parcel is owned by a tax-exempt entity such as the Town or the State. Because of their inherent interest in an unmaintained roadway, Class VI abutting parcels have also been listed where appropriate.

16

Snowmobile Trail Segment: Former Railroad Bed from Preston Street to Contoocook Falls Road

This segment is comprised of a section of a former railroad right-of-way that is mostly flat, wide, and clear of trees and obstructions. It runs roughly parallel to Henniker Street, and runs through or past many small parcels.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	101	0.3	n	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	102	7.1	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	103	1.8	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	104	6	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	105	12.9	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	106	6.3	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	107	6.6	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	110	7.5	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	121	17.5	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	122	28.4	n	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Preston St to Contoo Falls Rd	12	315	11.2	n	y	Hillsborough Night Riders	winter use only

Snowmobile Trail Segment: Contoocook Falls Road to Old Railroad Drive

17

This trail was developed to prevent off-highway recreational vehicles from using the Old Railroad Drive, which is a Class VI road. Since Old Railroad Drive is used as a linkage to other points, both of the parcels that are crossed and the parcels abutting the Class VI road are listed here. The trails lead to an underpass between Routes 9/202.

## INVENTORY OF EXISTING TRAILS

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	9	123	14.5	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	9	124	0.8	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	9	127	2.9	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	12	95	11.1	n	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	12	98	0.26	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	12	99	0.1	n	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Contoo Falls Rd to Old RR	12	328	0.6	n	n	Hillsborough Night Riders	winter use only

18

### Snowmobile Trail Segment: Old Henniker Road to Gould Pond

From the underpass of Routes 9/202, the trail continues through fields next to a horse farm and then to Gould Pond, giving landowners of the Pond access to the trail system.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Old Henn Rd to Gould Pond	9	42	24.9	y	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Old Henn Rd to Gould Pond	9	100	36.2	y	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Old Henn Rd to Gould Pond	9	118	4.7	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Old Henn Rd to Gould Pond	9	119	26.3	y	y	Hillsborough Night Riders	winter use only

19

### Snowmobile Trail Segment: Miller Road/Schwartz Avenue Suspension Bridge to Bear Hill Road

The trail begins on Town land and crosses the Contoocook over a new suspension bridge (see cover for a photo) at the end of Schwartz Avenue. From the end of the suspension bridge, this scenic trail travels alongside or within sight of the Contoocook River most of the way. It then crosses a second bridge that was built by the Night Riders Snowmobile Club, the Scott Bridge, before reaching Bear Hill Road.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Miller Rd to Bear Hill Rd	12	102	7.1	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Miller Rd to Bear Hill Rd	12	104	6.0	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Miller Rd to Bear Hill Rd	12	141	44	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Miller Rd to Bear Hill Rd	12	144	123.0	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Miller Rd to Bear Hill Rd	12	149	115	y	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Miller Rd to Bear Hill Rd	12	152	23.7	n	y	Hillsborough Night Riders	winter use only



20

Snowmobile Trail Segment: Bear Hill Road to Peasley Road

The trail crosses Bear Hill Road into a field and turns left at a numbered location marker pole before traveling through two more fields. Leading into an old wood road that leads up the steep grades of Bear Hill, one enters Henniker. This segment continues through forest land and hilly terrain to an open field on Peasley Road in Henniker.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Bear Hill Rd to Peasley Rd	12	151	100.0	y	y	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Bear Hill Rd to Peasley Rd	12	154	164.0	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Bear Hill Rd to Peasley Rd	12	155	100.0	y	y	Hillsborough Night Riders	winter use only

Snowmobile Trail Segment: Sulphur Hill Road Area(aka Bagley Pond Road) to Antrim Town Line

21

The trail appears to generally follow an old logging road that appears on the Town tax maps. It begins opposite Hall Road and travels south-easterly through Manahan Park and, in the winter, across Franklin Pierce Lake into Antrim near where the powerline easement also crosses into Antrim.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Sulphur Hill Rd to Antrim TL	10	13	209.5	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Sulphur Hill Rd to Antrim TL	10	20	5.3	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Sulphur Hill Rd to Antrim TL	10	35	81.6	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Sulphur Hill Rd to Antrim TL	10	46	10.5	n	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Sulphur Hill Rd to Antrim TL	10	62	46.6	n	y	Hillsborough Night Riders	winter use only

Snowmobile Trail Segment: Sulphur Hill Road Area(aka Bagley Pond Road) to Windsor Town Line

22



This entire area contains a wealth of old logging roads, some of which are used as snowmobile trails. It appears that one or more of these roads have also, at one time, been official Town roads but more research needs to be completed in order to confirm this. The southern leg was described in the INVENTORY OF EXISTING TRAILS section and is thought to be an abandoned Town Road.

Name	Map #	Lot #	Acres	Curr Use?	Bldg?	Maintenance	Public Uses
Snowmobile Trail Segment: Sulphur Hill Rd to Windsor	10	2	442.4	y	n	Hillsborough Night Riders	winter use only
Snowmobile Trail Segment: Sulphur Hill Rd to Windsor	10	5	267.7	n	n	Hillsborough Night Riders	winter use only

## SUMMARY OF EXISTING TRAILS AND RIGHTS-OF-WAY

This graphical summary provides a snapshot of this chapter and can be used as a guide to the **Existing Trail System Map**. The *Management* column indicates who has taken responsibility for the maintenance and/or security of the trail or right-of-way. This summary chart does not endorse the use of any of the listed trails or rights-of-way; instead it is a compilation of the known trails within Town that may be conducive to public use with proper landowner permission (see *Landowner Permission Obtained* column). Careful consideration should be given as to whether or not a landowner has given permission for use of their land before attempting to use a trail.

### Existing Trails and Rights-of-Way (ROW)

Name	Map Symbol	Public Uses	Management	Landowner Permission Obtained
Former Railroad ROW: Old Railroad Drive to Preston Street	1	none	private	no
Former Railroad ROW: Norton Drive to Deering Town line	2	none	private	no
Class VI ROW: Colby Hill Road		general public use	n/a	no
Class VI ROW: Concord End Road (North)		general public use	n/a	no
Class VI ROW: Concord End Road (South)		general public use	n/a	no
Class VI ROW: County Road		general public use	n/a	no
Class VI ROW: Dean Hill Road		general public use	n/a	no
Class VI ROW: Eli Road		general public use	n/a	no
Class VI ROW: Farley Road Segment		general public use	n/a	no
Class VI ROW: Gleason Falls Road Segment		general public use	n/a	no
Class VI ROW: Greene Road		general public use	n/a	no
Class VI ROW: Kimball Road		general public use	n/a	no
Class VI ROW: Kimball Hill Road		general public use	n/a	no
Class VI ROW: North Road		general public use	n/a	no
Class VI ROW: Old Railroad Drive		general public use	n/a	no
Class VI ROW: Sand Knoll Road		general public use	n/a	no
Class VI ROW: Severance Road		general public use	n/a	no
Class VI ROW: Sleeper Road		general public use	n/a	no
Class VI ROW: Sulphur Hill Road Area(aka Bagley Pond Road)		general public use	n/a	no
Class VI ROW: Whitney Road		general public use	n/a	no
Scenic Road: Barden Hill Road		general public use	Town of Hillsborough	n/a
Scenic Road: Beard Road		general public use	Town of Hillsborough	n/a

## INVENTORY OF EXISTING TRAILS

Scenic Road: Danforth Corners Road		general public use	Town of Hillsborough	n/a
Scenic Road: Jones Road		general public use	Town of Hillsborough	n/a
Scenic Road: Second NH Turnpike		general public use	Town of Hillsborough	n/a
Scenic Road: Shedd Road		general public use	Town of Hillsborough	n/a
Abandoned Road: Allen Road		none	private	no
Abandoned Road: Bailey Adams Road		none	private	no
Abandoned Road: Lyman Robbins Road		none	private	no
Abandoned Road: Old Road to Bible Hill		none	private	no
Abandoned Road: Old Road from Route 9 to Sulphur Hill Rd Area		none	private	no
Discontinued Road: Moore Road		none	private	no
Discontinued Road: Old County Road		none	private	no
Discontinued Road: Wilson Road		none	private	no
PSNH Easement Corridor: Henniker Town Line to Center Road	3	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: Center Road to West Main Street	4	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: West Main Street to F Pierce Lake (Northern)	5	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: West Main Street to Contoocook River	6	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: West Main Street to Antrim Town Line	7	none - utility maintenance only	PSNH	no
PSNH Easement Corridor: West Main Street to F Pierce Lake (Southern)	8	none - utility maintenance only	PSNH	no
Waterline Easement Corridor: Loon Pond to Jones Road	9	none - utility maintenance only	Water Commission	no
Public Trails: Fox Forest	10	general public use	NH DRED	n/a
Public Trail: Contoocook Riverwalk	11	general public use	Town of Hillsborough	n/a
Private Trails: County Road to Kimball Road	12	none	private	contact landowner
Private Trail: County Road to Dean Hill Road	13	none	private	contact landowner
Private Trail: Kimball Hill Road to Loon Pond	14	none	private	contact landowner
Private Trail: North Road to Concord End Road	15	none	private	contact landowner
Snowmobile Trail Segment: Former Railroad from Preston St to C Falls Rd	16	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only
Snowmobile Trail Segment: Contoocook Falls Rd to Old Railroad Drive	17	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only
Snowmobile Trail Segment: Old Henniker Rd to Gould Pd (Emerald Lake)	18	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only
Snowmobile Trail Segment: Miller Rd/Schwartz Road Bridge to Bear Hill Rd	19	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only
Snowmobile Trail Segment: Bear Hill Road to Peasley Road	20	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only
Snowmobile Trail Segment: Sulphur Hill Rd Area(Bagley Pnd Rd) to Antrim TL	21	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only

## INVENTORY OF EXISTING TRAILS

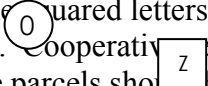
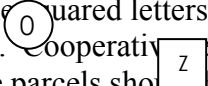
Snowmobile Trail Segment: Sulphur Hill Rd Area (Bagley Pnd Rd) to Windsor TL	22	winter use only	Hillsborough Night Riders (maintenance)	yes - winter use only
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#### IV. PROPOSED OPEN SPACE TRAIL SYSTEM

An examination of the existing trail system has led to a variety of trail types and permitted uses of the trails/rights-of-way. Trails are found on private land and public land; some trails are currently used without permission and some are used with permission; some are maintained and some are overgrown. The Town has an unprecedented opportunity to work with the creator and maintainer of the existing snowmobile trails, the Hillsborough Night Riders, as well as the opportunity to work with representatives of the Fox Forest and Low State Forests to tie into existing trail networks.

Class VI roads could be considered "pre-existing" trails in a sense and can help form the foundation of an open space trail system. A next step could be to designate an existing trail or right-of-way (such as a Class VI Road) as Class A or B, through a vote of Town Meeting. Although this would officially recognize a trail and gives certain benefits, a designation reduces or eliminates the some rights of abutters, and permanently removes the Class VI status of an existing road. See the **IMPLEMENTATION MEASURES** chapter for more information.

The **Proposed Open Space Trail System Map** gives a visual representation of where current trails lie as well as proposed linkages to the existing trails. Five specific linkages to trail segments, mentioned in the previous section, or new trails have been recommended. It is imperative that respect and privacy be given to private landowners and that a cooperative relationship is established between the Town and these landowners. The circled numbers, , on the map denote existing trails, while the  indicate proposed trail linkages. Cooperative relationships with the landowners of all these parcels should be fostered in order to reach the objectives of this Plan.

##### This Section:

- ♦ Railroad/Contoocook River Corridor
- ♦ Fox Forest Land
- ♦ Powerline and Waterline Corridors
- ♦ Conservation and Public Lands
- ♦ Class VI Roads
- ♦ Scenic, Abandoned, and Discontinued Roads
- ♦ Snowmobile Trails
- ♦ Potential Trails or Trail
- ♦ Linkages on Private Land
- ♦ Summary of Proposed Open

The **Potential Trail Locations or Connections** chart, at the end of this chapter, shows at a glance the new trails recommended in this section. Although specific Recommendations are later identified at the end of the following sections, the General Recommendations are designed to be among the first considered for action by the Town.

**General Recommendations of the Open Space Trail System Plan**

- General Recommendation: Research which Town- or State-owned parcels are permanently protected from development.
- General Recommendation: Establish a permanent Trails Committee, comprised of various interests within Town, in order to oversee the maintenance of any trails that the Town wants to establish and to begin initiating contact with landowners of existing and proposed trails and easements.
- General Recommendation: Adopt this Open Space Trail System Plan as a sub-element of the updated Master Plan.
- General Recommendation: Continue to encourage maintenance of existing public and private trails by creating educational programs and providing support for interested individuals and families.
- General Recommendation: Work with the Hillsborough Night Riders to learn how to approach landowners and to enter into a cooperative trail creation and maintenance relationship.
- General Recommendation: Work with the State, the Water Commission, the Town, and with private landowners to link urban areas with Fox Forest and other open areas.
- General Recommendation: Educate the landowners of parcels under current use, particularly owners of those parcels without buildings on them, of the benefits of conservation easements.
- General Recommendation: Enter into a working relationship with representatives at Fox Forest and Low State Forest which would provide for the linking of Town and State Trails.
- General Recommendation: Pursue appropriate Town-owned parcels as permanent Town Forests or Town Parks through Town Meeting (see **APPENDIX A**).
- General Recommendation: Gain public support by holding a series of public educational sessions about land protection, stewardship, what the Conservation Commission and Trails Committee do, and about this Open Space Trail System Plan. Alternatives include writing a series of news articles, writing and distributing flyers, or holding one-on-one meetings with landowners.
- General Recommendation: Pursue grant funds to help meet the Recommendations of this Plan.
- General Recommendation: Publicize the public trails within Town by publishing a brochure, creating a trail-specific map series, or by holding special events
- General Recommendation: Work with the Planning Board to have them encourage developers of major subdivisions to donate easements or land and to require construction of trails on properties near existing or proposed trail networks.
- General Recommendation: Review the Zoning Ordinance and Subdivision and Site Plan Review

## RAILROAD / CONTOOCCOOK RIVER CORRIDOR

The former Boston and Maine Railroad's railroad beds offer a chance for recreation that many are already taking advantage of. Of the two segments mentioned in this Plan, a portion of one has already been established as a winter snowmobile trail. As well, some segments which have not been identified in this Plan may have become "discontinued" over the years as development has set in. One important consideration is that because it is unknown whether private landowners have given people permission to walk or ride on the former railroad, permission should be sought prior to using the bed.

The Contoocook River, with its slowly meandering curves and diverse wildlife, provides a variety of recreational opportunities. Fishing, lounging on sandbars, or just drifting down the River are popular pastimes. The Contoocook Riverwalk Trail is a popular, well-used local trail. One can learn about the plants and animals that live in or near the river during a walk around a meander in the Contoocook. Much thought should be given to creating more public access areas to the Contoocook so more people can enjoy the wonderful resource that is coursing through Hillsborough. The Town already owns several parcels along the banks of the Contoocook.

### Recommendations of the Railroad / Contoocook River Corridor

Recommendation:

1

Contact each landowner who owns the land on which the former railroad right-of-way falls to ask for specific permission for summer use of the trails where the bed is currently being used for winter snowmobiling. This should be done with the permission or support of the Hillsborough Night Riders.

Recommendation:

2

On this segment that is not currently being used by snowmobiles, talk with landowners about potential public use of the former railroad right-of-way. Where appropriate, motorized access should be requested for snowmobiles, motorbikes and ATVs.

Recommendation:

2

Investigate if the former right-of-way segment between the Contoocook River and the Deering Town Line, parallel to West Mill Street, is owned by the State of New Hampshire. If so, research what the State intends to do with the segment and if public access is allowed.

Recommendation:

Investigate the location of potential "lost" railroad segments, in areas not identified in this Plan, with landowner permission and revitalize them as linkages to the existing railroad bed trails.

Recommendation:

Create public access areas on the Contoocook River for passive (non-motorized) recreational purposes.

## FOX FOREST LAND

As noted previously, Fox State Forest is the State of NH's research and demonstration forest. The land, buildings, and a trust were a gift to the State from Miss Caroline A. Fox. Experiments have been conducted here since 1933. The forest contains approximately 1,445 acres, and is open to the public for foot travel, containing over 20 miles of trails. Motorized wheeled vehicles are strictly prohibited, but snowmobiles are allowed in the winter. Parking is provided at the headquarters on Center Road and at the intersection of Bog Road and Gould Pond Road. Trail guides are available at the headquarters. Points of interest are Mud Pond Bog, Black Gum Swamp, Monroe Hill Tower and the Henry I. Baldwin Forestry Education Center.

The opportunity for the education of and recreation for children and adults alike should not be missed. Hillsborough is truly fortunate to have such well-established trails in the heart of the Town. A **General Recommendation** stated earlier was to link Fox Forest to urban centers so all can have easy access to this resource.

### Recommendations of Fox Forest Land

10

- |                        |   |
|------------------------|---|
| <u>Recommendation:</u> | Work with Fox Forest representatives to raise public awareness of recreational trails and parks, and offer to help maintain some of the existing trails by becoming "trails stewards".  |
| <u>Recommendation:</u> | Obtain permission to detail individual trails, recommended uses, and other specific information in the Plan.  |
| <u>Recommendation:</u> | Work with Fox Forest to ascertain their willingness in using the Fox Forest trails as a "destination" for potential trails linkages.  |
| <u>Recommendation:</u> | Work with Fox Forest and the School District to encourage an educational curriculum based upon features found in the Forest. The existing trail between the Forest and the School could be used by students to walk from one area to the other. |



## POWERLINE AND WATERLINE CORRIDORS

Six powerline corridors segments are located in Town, some of which may be more conducive to a potential future trail system than others. Considerations to be used in making this determination should include the number of landowners within a segment, the variation of topography, and the origin/destination of the segment. The powerline corridor from West Main Street to the Antrim town line would be the best segment to pursue; parcels owned by only two landowners are located in this area and the corridor offers beautiful views of the surrounding countryside as it climbs up to the top of a hill.

The waterline corridor from Loon Pond to Jones Road serves as an interesting linkage crossing over

### Recommendations of Powerline Corridors

(3) (4) (5) (6) (7) (8)

Recommendation: Contact Public Service of New Hampshire (PSNH) to ascertain their interest in working to create a trail system using their powerline easements. They may be willing to help talk to the landowners.

### Recommendations of the Waterline Corridor

(9)

Recommendation: Contact the Water Commission to ascertain their interest in working to create a trail system using their waterline easements. They may be willing to help talk to the landowners.

Recommendation: Contact the landowners, the Water Commission, and the Society for Protection of NH Forests for permission to create a trail segment from Loon Pond to Jones Road, traveling through the Cottrell property.

B

Recommendation: Contact the Water Commission to ascertain their interest in working to create public trails as appropriate on the lands that they own.

(14)

mostly public property. The pipe is aboveground for this leg of its journey to the downtown area, so the "trail" is essentially already cut. Permission and cooperation needs to be obtained from the Water Commission, the Society for the Protection of NH Forests, and from private landowners in order to make this trails linkage a reality. In addition, the Water Commission also owns several lands protecting the water supply at Loon Pond.

## CONSERVATION AND PUBLIC LANDS

### Trails on Conservation and Public Land

The Town owns several parcels of land, many of which have not yet been permanently preserved. The Town needs to consider what it wants to do with each parcel; some may be more valuable to keep for conservation purposes and others are best suited for resale. Parcels directly abutting the Contoocook River have public recreation value in the form of parks or beach access.

The NH Fish and Game (NH F&G) manages Farrar (Sandbrook) Marsh, which appears to be inaccessible by the public. The division also manages the large parcel directly abutting the Marsh;

## PROPOSED OPEN SPACE TRAIL SYSTEM

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attempts should be made to work with NH F&G in order to ensure that the parcels are adequately protected and to encourage public access where appropriate so the public can enjoy and appreciate their beauty.

### Recommendations of Trails on Conservation and Public Land

Recommendation: After select Town lots have been retained as Town Forests or as permanently protected land at Town Meeting, create self-contained trails on these lots and trails that link to existing trails (see **General Recommendations**).

Recommendation: Create a trail at Low State Forest by working with NH DRED and abutting landowners of the Class VI Sand Knoll Road, and the Bradford Conservation Commission.

Rec C endation: Create trail access to the landlocked Widow Murdough Lot by working with landowners (see also **Suggested Areas to Protect from Development**).

Recommendation: Encourage the NH Fish and Game to work with the NH Division of Forests and Lands (of NH DRED) to connect Fox and Low State Forests with the Farrar Marsh (Sandbrook Marsh) and its abutting State parcel.

Rec D endation: Create a connection from House Rock to Farrar Marsh with the cooperation of the NH Fish and Game.

Rec 14 endation: Work with the Water Commission to create a trailhead off of Loon Pond / County Road.

Recommendation: Promote the Bear Hill Lot, off of Bear Hill Road, for educational purposes.

### Suggested Areas to Protect from Development

As a matter of recreational value, aesthetics, and practicality, key areas to consider contacting landowners for conservation easements will include those large parcels adjacent to water bodies which are also convenient to roadway access. Other areas which hold irreplaceable value are those which are mountains, hills, or scenic viewsheds.

The Trails Steering Committee focused on several areas that they would like to see protected in the coming years:

Recommendations of Suggested Areas to Protect from Development	
	<div>A</div> <div>C</div> <div>E</div> <div>F</div>
<div>A</div> <u>Recommendation:</u>	Research the potential for protection of the large lots in the area south of Sulphur Hill Road Area (aka Bagley Pond Road) in the southwestern corner of Town.
<div>C</div> <u>Recommendation:</u>	Research the potential for protection of the large, single lot located adjacent to the Widow Murdough Lot above Contention Pond.
<div>E</div> <u>Recommendation:</u>	Research the potential for protection of the large lot owned at the Henniker Town Line between the two NH Fish and Game parcels.
<div>F</div> <u>Recommendation:</u>	Research the potential for protection of the large lots above Sulphur Hill Road Area (aka Bagley Pond Road) at the Windsor Town Line.

### CLASS VI ROADS

Class VI roads are still owned by the Town, although many now appear no bigger than footpaths. Because of their limited use and Town ownership, these roads could be fairly utilized by ATVs and motorbikes as well as pedestrian and equestrian use.

Due to the nature of Class VI roads, they present the easiest conversion to trails; the Town owns each of the roads despite their unmaintained status and the roads already follow a course which leads to a destination. However, research needs to be conducted to ascertain if any of the Class VI roads had been voted as permanently discontinued at any past Town Meeting, in which case the road would legally no longer exist. For more information on Class VI roads, please refer to the **IMPLEMENTATION MEASURES** chapter.

**Recommendations of Class VI Roads**

- Recommendation: Undertake an on-foot survey of all Class VI roads within Town to gauge their ability to sustain certain types of trails usage.
- Recommendation: Identify for designation as Class A or Class B trails some of the Class VI roads within Town by working with abutting landowners (see **IMPLEMENTATION MEASURES**).
- Recommendation: Work with abutting landowners to share maintenance and monitoring duties of the trails or Class VI roads being used as trails.
- Recommendation: Conduct research to ascertain if any of the Class VI roads have been

**SCENIC, DISCONTINUED, AND ABANDONED ROADS**

These assets could be an integral part of Hillsborough's open space trail network. Scenic roads are either Class V or VI and are readily accessible by the public. Roads noted in this Plan as Discontinued or Abandoned require further research to determine their exact status before specific recommendations are made to incorporate them into such a network.

**Recommendation of Scenic, Discontinued, and Abandoned Roads**

- Recommendation: Thoroughly research the status of the discontinued and abandoned roads within Town.
- Recommendation: Where appropriate and after research has been conducted, use select discontinued or abandoned roads within Town as linkages to other trails or public lands.
- Recommendation: Promote the Scenic Roads, which are all full public roads in town as an

**SNOWMOBILE TRAILS**

The wide and maintained winter snowmobile trails within Hillsborough are an essential link to establishing summer pedestrian and equestrian recreational use. Warm weather usage could include hiking, mountain biking and horseback riding. Motorbike or ATV usage is not recommended due to the damage that could result to the snowmobile trail.

These trails have been created by the volunteer labor of the Hillsborough Night Riders, who obtained landowner permission for each portion of the trail, constructed the trails, and maintain the trails. Respect for the trail and the land on which it resides should be given when using these trails for winter use; if landowner permission is granted for summer use, the same respect should be given.

**Recommendation of Snowmobile Trails**

16 17 18 19 20 21 22

Recommendation: Work with the Hillsborough Night Riders to approach landowners for permission to use some of the established snowmobile trails during the summer (see also **General Recommendations**).

Recommendation: Work with the Hillsborough Night Riders to monitor and/or maintain snowmobile trails that are available for public summer use.

**POTENTIAL TRAILS OR TRAIL LINKAGES ON PRIVATE LAND**

As the inventory of existing trails and public lands in Hillsborough progressed, a discernable lack of these facilities was noticed for the entire western section of Town. The Trails Steering Committee felt that it was of utmost importance to provide options for trail travel in this beautiful, natural setting. Both the potential trail connections and the new trails being proposed would require a great deal of work with private landowners in order to bring the vision to fruition.

G H I J

**Recommendation of Potential Trails or Trail Linkages on Private Land**

Recommendation: Research the feasibility of a trail connector on Stowe Mountain from the Class VI portion of Farley Road, following along Danforth Corners Road, and ending at the Class Severance/Sleeper Road intersection by contacting appropriate landowners.

G

Recommendation: Research the feasibility of a new trail connecting Fox Forest, just north of Jones Road, to the Windsor Town Line just north of New Valhalla Farm Road by contacting appropriate landowners.

H

Recommendation: Research the feasibility of a trail connection from Fox Forest to North Road, continuing south of the cemetery, then heading north on the Class V portion of Kimball Road until it becomes Class VI.

I

Recommendation: Research the feasibility of a new trail from Fox Forest to the intersection of Shedd and Beard Road, then following along the scenic portion of Class VI Shedd Road until reaching the cemetery.

J

### SUMMARY OF PROPOSED OPEN SPACE TRAIL SYSTEM

A series of detailed **Recommendations** have been proposed in order to reach the third goal of the Plan, which is to "*Provide recommendations on how to obtain the linkages and maintain a trail system*". Those **Recommendations** work toward retaining the trail and land resources that the Town already has as well as summarizing the potential of an open space trail system by linking the existing with the proposed:



### Potential Trail Locations or Open Space Protection

Name	Map Symbol	Public Uses	Management	Landowner Permission Obtained
Open Space Protection: Sulphur Hill (aka Bagley Pond Road) - South	A	to be determined	to be determined	no
Waterline Easement Trail: Loon Pond to Jones Road	B	to be determined	to be determined	no
Open Space Protection: Widow Murdough Lot Area	C	to be determined	to be determined	no
Trail Connector: House Rock to Farrar (Sandbrook) Marsh	D	to be determined	to be determined	no
Open Space Protection: Between Farrar Marsh Lots and Henniker TL	E	to be determined	to be determined	no
Open Space Protection: Sulphur Hill (aka Bagley Pond Road) - North	F	to be determined	to be determined	no
Trail Connector: Stowe Mountain from Farley to Severance Rds	G	to be determined	to be determined	no
Trail Location: Fox Forest to Windsor Town Line	H	to be determined	to be determined	no
Trail Connector: Fox Forest to Kimball Hill Road	I	to be determined	to be determined	no
Trail Location: Fox Forest to Shedd Road at Cemetery	J	to be determined	to be determined	no

In order to make the vision a reality, practical methods will need to be employed. Property ownership is an emotional issue; concerns about privacy, liability, and damages are justified. Implementation of the **PROPOSED OPEN SPACE TRAIL SYSTEM** can be accomplished through creating good relations with people, educating landowners, and having a dedicated core of people who believe that Hillsborough will be a better place to live and raise children if rural character is preserved.



## **V. IMPLEMENTATION MEASURES**

After the inventorying phase and recommendation phase of a plan follows what is perhaps the most difficult and time-consuming aspect of any plan or study - implementation. All of the good ideas and worthy efforts into producing a plan will be put to the test when attempting to get the public to "buy into" what the plan is "selling".

This Open Space Trail System Plan is no different. However, the ideas presented in the Plan may be even more challenging to implement due to its reliance on the cooperation of private landowners. Each identified trail itself is host to at least 10 private property owners; when considering the proposed open space trail system as a whole, the prospect of obtaining permission from all landowners can be daunting. The challenge to remember is that all good things take time to build; creating a trail system will require patience and perseverance.

Many different factors and techniques need to be considered when building an open space trail system. In this section, practical suggestions for implementing the recommendations in the Plan are shared; also, sensitive issues such as landowner liability and trails management are discussed in order to give a wholistic view of the Open Space Trail System Plan. The accompanying **APPENDIX A-C** offers sample forms and agreements as well as the specific citations from the NH Revised Statutes Annotated (RSAs) which are pertinent to the success of this Plan. In addition, Resources References are listed to help with the implementation of the Plan and to provide further guidance along the way.

*The authors, producers, editors, and reviewers of this Open Space Trail System Plan stress that although much research has gone into the production of this Plan, it would be highly difficult to cover every detail required for certain situations. Where there are any concerns to the legality of a procedure or explanation listed in the **IMPLEMENTATION MEASURES** chapter, an attorney should be consulted.*

### **LANDOWNER PARTNERSHIPS**

The ultimate key to the success of this Plan will be the communication to, and the cooperation and education of, landowners. Identifying the landowners of the parcel of interest is only a matter of looking up the information in the public records of the Town Hall. After determining the owner of piece of land that would be suitable for a trail or for a conservation easement, he or she should be approached by a representative of an established group, such as a member of the permanent Trails Committee of the Town, who can answer their questions and help them feel comfortable with the issues that will arise. In some cases, the parcel will be owned by a public or non-profit group. Although many of the same principles listed below will pertain to a partnership with a public organization, the explanations of landowner partnerships in this Plan are more geared toward the concerns of private landowners.

The following sections cover the most frequently addressed items in conservation and recreation.

#### **Landowner Liability**

## IMPLEMENTATION MEASURES

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Rightfully, the first question or concern that a landowner usually has deals with the issue of liability. Although many people would be willing to open parts of their land to the public, the liability issue is one of the major stumbling blocks that prevents public use. What if they open their land for public use and an incident occurs? This is a valid question that must be answered to the landowner's satisfaction. If at any time there are concerns that the representative cannot answer satisfactorily, independent counsel can be sought through the municipality's attorney or the NH Municipal Association if the municipality has questions; if the landowner has questions, they can be answered through an examination of the NH Revised Statutes Annotated (RSAs), or by the landowner's own attorney.

The State of New Hampshire has developed incentives for those landowners whose land is already in current use (RSA 79-A:1) - an additional 20% discount in taxes can be taken if the property is opened to full public year-round recreational use (RSA

Because New Hampshire is a strong supporter of recreation and recognizes the significant part it plays in our State's economy, there are several mechanisms in place to protect the landowner when he or she opens their land for public recreational use:

1. The State of New Hampshire has adopted several laws that protect a landowner from being held liable from injury. These provisions are called "Duty of Care" (RSA 212:34), where if a landowner opens the land for recreational purposes and *does not charge a fee* for such a use, they "owe no duty of care to keep such premises safe for entry or use by others". The exceptions to this law are if the landowner maliciously causes injury; fails to warn of dangerous conditions (such as the potential for walking off a hidden ledge); requires payment for the use of the property; or is party to the actions of others causing injury to a third party because of lack of warning (a recreational user [hunter] injures a non-recreational user [surveyor]). However, it is always good practice of a landowner to keep their property in relatively safe condition regardless of whether the land is open to public use.

Another statute, RSA 508:14, reinforces this language by again stating that any landowner, including municipalities and the State, "shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage" when that landowner opens up their land for "recreational purposes".

It is important to note that although the statutes are in place to protect a landowner from liability, any individual has the right to sue any other individual; therefore, protection from *being* sued is not covered under law although our current laws inhibit such a plaintiff in such a liability case from *winning* the suit. Direct citations from the NH RSAs concerning landowner liability are contained in **APPENDIX B**.

2. A homeowner's insurance policy typically carries liability insurance which should cover injuries to persons or property. Landowners should check their policy to make sure it includes liability; as open space land does not always have a dwelling unit situated upon it, liability insurance might not be automatically present. If a person is injured on a landowner's property and brings suit, the landowner files a claim with his insurance company, which takes care of the matter. For additional peace of mind, umbrella insurance policies could be purchased for any injuries or damages above and beyond the amount of the homeowner's policy limitations.



3. Owners of motorized recreational vehicles pay a registration fee which goes into the Off Highway Recreational Vehicle (OHRV) fund overseen by the NH Department of Resources and Economic Development. Recognized clubs must register their trails on an annual basis and participate in the OHRV Trails Program. Then, the landowners will be covered under the State's \$2 million liability insurance policy. In addition, users of OHRV's recognize the hazards of such operation and under RSA 215-A:34, the liability protection to the landowner is re-enforced through "...each person who drives or rides an OHRV accepts, as a matter of law, the dangers inherent in the sport and shall not maintain an action against..." a landowner "...for any such injuries which result from such inherent risks, hazards, and dangers".

In reality, suits against property owners are few and far between in the context of injury or damages while recreating on private property. However, despite the safeguards to any landowner who opens his or her property up to the public for free recreational use, none of these laws protect a landowner from actually *being* sued. Steps must be undertaken to ensure that the landowners understand the liability implications before they enter into **Landowner Agreements** with or **Easement Donations** to the Town.

### **Landowner Agreements**

This simplest type of agreement, aside from a verbal or "handshake" agreement, basically reads that the public is allowed certain types of access (hiking, skiing, motorbikes, etc) on a certain portion of the landowner's property during certain times of year. The agreement also indicates who has agreed to be responsible for the maintenance/enforcement of the property and/or the creation and maintenance/enforcement of the trail (usually the public Trails Committee, municipality designee, or other organization), and specifies for how long the agreement is valid (one summer, 2 years, 5 years, etc). An agreement such as this allows the landowner to consider the possibilities of a long-term partnership but withholds the commitment.

The decision of a landowner to open their land to the public is not one to be lightly made. There are several ways to make the decision "official", ranging from a temporary arrangement to one that is made in perpetuity. The easiest and most temporary agreement can be referred to as a "Landowner

### Easement Donation and Purchase

If a landowner is keenly sensitive to conservation, they may decide that a conservation easement on their land will be in the best interests of themselves, their heirs, the land, the resources on the land, and their Town, and even their State. Although land is regularly transferred from one owner to another, an easement is a way to permanently place certain restrictions on the current and future use of that land.

Conservation easement research, development, negotiation, and acquisition can almost be considered a science by its own right!

Many expert non-profit organizations exist to protect land permanently from development; one of the tools they use is a conservation easement. Easements can be donated to a municipality or land trust, or easements can be purchased by the municipality or land trust. They are monitored by the recipient to ensure that the conditions of the easement are being upheld.

Consider how a parcel of land would fit into the framework of Hillsborough's open space trail system. Would it serve as conservation land, a park, or would a trail cross over it? Should someone from the Trails Committee talk to the landowner about an agreement or an

Aside from the priceless conservation of open space and natural features, a significant benefit to the landowner can be the federal, state, and local tax savings that may be recognized. One advantage to the Town could result through the potential of opening some or all of the easement for public use; other advantages include less development pressure, and contiguous open space preservation blocks. Although each easement is tailored to the preferences of the landowner and the features of the land, the **APPENDIX A** contains a sample conservation easement.

An easement responsibility is not one to be taken lightly. Not only will the property, which will remain in private hands, need to be monitored by the Town or their designee (typically the Conservation Commission) on at least a yearly basis, but also the process involved to obtain an easement donation or purchase is lengthy and can be complicated. Attorneys are frequently involved and are often recommended, particularly to help the property owner with tax implications and to ensure the safeguarding of their clients' interests. Although a landowner can be approached by the representative of the Trails Committee to talk about the advantages of a conservation easement on their property, many municipalities may wish to engage the services of a third party to help guide them through the process. For more information on obtaining conservation easements, please refer to your local land trust, those of which are within New Hampshire are listed in **APPENDIX C**.

### Land Donation and Purchase

This option can be considered one of the easiest if looked at in terms of a municipality's land holdings. Parcels that have been taken for nonpayment of taxes, particularly those of several acres or more, can provide a solid means of recreational land (RSA 80:80, V). An important aspect to keep in mind is that since the Town can sell the property at any time, an easement should be placed on those properties which have special features so that they remain protected or that the trails remain available for public use. In addition, the Town has the right to use its property in the manner it sees fit; therefore if a parcel is more conducive to remaining in its natural state, an easement can be placed on it to ensure it remains that way in the event that it is targeted as a potential site for a town building or ball field. **APPENDIX A** contains a warrant article which permanently protects Town-owned land.

Private landowners can be approached to ask for a donation of land of particular significance (i.e., it would form a connection to a trail or it would protect a significant resource). Be prepared to explain the advantages and benefits for the donation of an easement as well as the responsibilities that it will entail. Easements can also be purchased and have their own associated benefits. Private land trusts, listed in **APPENDIX C**, offer guidance and helpful informational bulletins to assist in the acquisition of easements. In addition, municipalities can purchase any such parcel of land as it became available. For both land or easement purchase, the implementation of a municipal land use change tax fund (RSA 79-A:25-a) can ease the burden of an outright expenditure (**APPENDIX A**). RSA 36-A:5 allows a duly established Conservation Commission to independently purchase land or easements, after having establishing a conservation fund, without consultation with the governing body.

### OFFICIAL TRAILS DESIGNATION

Many references have been made throughout the Plan to trails designation, or Class A and B trails. New Hampshire State law allows municipalities to designate paths, rights-of-way, Class VI roads, or trails as "official trails" of the Town. One advantage to doing so is that each trail becomes a legally enforceable route by the local law enforcement if posted properly; if stated restrictions are violated, a simple legal recourse is possible. Also, such trails can be publicized as being sponsored by the Town, and maps and brochures can be created and published (see also **Special Events and Announcements** under **TRAILS MANAGEMENT**). RSA 231-A contains the entire list of rules and caveats, and **APPENDIX B** lists the primary statutes, but here is a summation of the main points:

#### **Class A/B Trails**

##### Advantages

Legally enforceable route subject to postings  
Publicity

##### Disadvantages

Permanent discontinuance of road (if

### What are Class A and Class B Trails

A Class A trail is considered a full public trail subject to the restrictions imposed upon it at the time of designation; the Town permanently discontinues the road if it were a road to start with. It may be used by the owners of abutting lands for vehicular access to their property for existing, non-development uses. A Class B trail is identical to a Class A trail but disallows vehicular access by abutting landowners and would be more appropriate for a constructed trail. By designating a Class VI road as a Class A or B trail, the rights of the abutter to develop their land and upgrade the road disappear. (RSA 231-A:1)

### How to Designate a Trail

After acquiring permission from a landowner(s) and/or easement holder for use of a trail on their land, as well as agreeing on the specified restrictions, voters at Town Meeting can vote to designate any trail as a Class A or Class B trail. A trail can be so designated until the decision is rescinded or for a length of time as specified by the landowner(s).

Officially designating a trail as Class A or B has not yet caught on as a trend in the Central NH Region.

Few to no municipalities here have successfully designated trails, although it is assumed that

In the case of designating a Class B trail on a Class VI road, the abutters need to be consulted and in some cases renumerated for any damages if the designation removes any of their prior access rights. In some cases, damages can also be sought by abutters for designation of a Class A trail. In general however, Class A trails are most appropriate for Class VI roads and former railroad rights-of-way (basically, pre-existing pathways) while Class B trails are most appropriate for constructed trails. (RSA 231-A:5)

### Trail Restrictions

The landowner(s), easement holder, the abutters, and Town agree upon what the trail will not be used for; these restrictions will be placed on the warrant article. Common restrictions include the prohibition of motorized vehicles on certain trails, or that a trail be used seasonally instead of year-round. The trail is then posted with the restrictions at the beginning and end of the trail, as well as at any trail junctions where the restrictions change. (RSA 231-A:1, 4, 5)

### Enforcement of a Trail

As long as the restrictions to a trail are clearly posted, any violation to the trails can be treated in the same manner as a traffic violation by local law enforcement. As most Police Departments cannot extend their resources to monitor all of the designated trails, often times the trail users, stewards, or abutters will report problems to the local law enforcement, who then would investigate the complaint. Although the rules of the designated trail are enforced by the Town, the trails themselves may or may not be maintained by the Town (see also **TRAILS MANAGEMENT**). (RSA 231-A:4, RSA 265)

### **Municipal Liability and Private Landowner Liability of Designated Trails**

The Statutes provide many protective laws about liability, particularly where recreation is involved. Where users of designated trails are not charged a fee for the use of the trails, which will be the situation in the majority of cases, the liability of both the municipality and the landowner shall be limited, where the municipality/landowner will not be held responsible for personal injuries or property damages except where such damage is intentional. In addition, volunteers who maintain the trail, with prior recognition from the municipality as a volunteer of said trail, incur the same limited liability (see also **TRAILS MANAGEMENT**). The laws are the same for those trails that are not officially designated as Class A or B by the municipality. (RSA 212:34, 231-A:8, and 508:14)

### **Rescinding the Designation of Class A or B Trails**

Once a trail has been designated a Class A or B trail, it can be rescinded back to its original status in the same manner, by a vote at Town Meeting, as other road classifications can be changed. Where designated trails fall onto private property, the landowner(s) can at any time request that the designation be rescinded. The details are available in RSA 231-A:3.

## **TRAILS MANAGEMENT**

A Trails Committee can be established at any time under the umbrella of the Conservation Commission. Although it will have no official "power", it will have the blessing of and be able to make recommendations to the Conservation Commission as its subcommittee. By forming a separate Trails Committee, the specific mission of creating and maintaining a trail system can be accomplished without commandeering the Conservation Commission's limited time. Members of the Conservation Commission can be on the Trails Committee; private landowners, other municipal board members, special interest groups (equestrian, snowmobile, mountain biking), local public volunteer organizations (Scouts, Rotary, Lions), schoolteachers, and representatives of private businesses can be recruited to form the Trails Committee. The more interests that are represented on the Committee, the more diverse and creative the group will be, and the variety of available resources and contacts will be greater.

### **Volunteer Rallying**

After the formation of a Trails Committee, volunteers have their own liability issues that must be adequately addressed. RSA 508:17 provides liability protection to "recognized" volunteers of a municipality; as long as a volunteer does not commit deliberate acts of malice, he or she will not be held liable for damages by the landowner. For example, under normal trail maintenance conditions (and where an agreement has been made with the landowner), a volunteer may need to use a saw to remove a downed tree across a trail on private property; this is not an act of malice. However, if the volunteer cuts down numerous healthy trees not within the area of the trail, this act could be considered spiteful and the volunteer would not be protected under RSA 508:17.

In order to be recognized as a volunteer of a municipality, the governing bodies and the volunteer must sign an agreement, the wording of which is present under the above-mentioned RSA.

<p>Volunteers should be recognized by the Town for their protection (liability) and for their community service</p>
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## IMPLEMENTATION MEASURES

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A copy of the agreement, the *Volunteer Liability Form*, can be found in **APPENDIX C**. Any volunteer who does work for a municipality, regardless of which board or commission the volunteer is working with, should sign a liability form for his or her own protection if private property is involved (for example, a Planning Board site walk could also offer opportunities where protection is warranted). It is also good practice for a municipality to carry insurance specifically for volunteers.

On a positive note, a *Certificate of Volunteerism* (**APPENDIX C**) can be easily given which recognizes the individual, family, or group which volunteers to create or maintain a trail. Signed by the Conservation Commission and Trails Committee Chairs, it offers an appreciative thank-you for the activities of the volunteer and could be presented upon the volunteer's agreement to steward or help create a trail.

A trails network is envisioned, the Trails Committee is established, a parcel of land is secured and the volunteers are ready to begin work on the property. Now it is time to build!

### Building Trails

Trail building can be simple, but *where* the trail is placed and *how* the trail is to be used can be consequential. There are many good references available for trails building. One of them was written by a New Hampshire hobbyist who loved trails so much, he wrote a free guide for the public. Ted Bonner's "Building Foot Trails: A Guide for Towns and Landowners" gives brief, no-nonsense instructions and points out obstacles to consider. Town foresters are often an excellent local resource to tap into and to ask for assistance.

As the Trails Committee begins to create trails, consideration should be given to making one or more trails accessible to people with disabilities.

Because of potential terrain obstacles, the NH DRED has published the "Best Management Practices for Erosion Control During Trail Maintenance and Construction" to aid volunteers while protecting the land at the same time. Many different natural factors need to be considered before constructing any trail, including wetlands disturbance, erosion, and practical factors of installing culverts and bridges where necessary. There are also recommended maximum slope grades for various types of uses. All of these issues, and more, are described in detail in the document. Although the Best Management Practices are not required by law, they should be consulted prior to any trail building. In addition, where wetlands are being crossed or filled, a permit or notification needs to be filed with the NH Department of Environmental Services' Wetlands Bureau. Again, a professional Town forester can help with these processes.

Trail building can be done using a set of loppers and a bow saw to clear a four-foot wide by eight-foot high pathway. A good trail must be well-blazed so a user knows exactly where the trail leads and a good trail must be well-signed at the beginning and end, so a trail-user knows if what they want to do on the trail (hike, motorbike, snowmobile, etc) is allowed. Parking areas should be indicated, whether they are on the far shoulder of a road or on a small pull-off beside the trail. Eventually, a good map of the trail should be produced and made available to trail users through the use of an inexpensive map box at the beginning and end of the trail.

By word of mouth, many local trails "experts" can be found who have built and maintained trails in their spare time for many of years. Contacting other local Conservation Commissions or non-profit organizations may lead to the start of a new partnership and to the sharing of time-tested ideas. At some point, any municipality's trail system could benefit from tying into the trails of another Town's. In any case, talking with a neighboring Conservation Commission or their Trails Committee would probably be beneficial to both parties. Trail building references can be found in **APPENDIX C**.

Unfortunately, there will be some budgetary considerations. Even though the Trails Committee can rely upon many of its volunteers to provide their own tools, they should consider purchasing a few pairs of bow saws and lopping shears. Items which will need to be periodically purchased are trail blazes, appropriate signage, 4x4 pressure treated posts and plastic mail boxes for maps (eventually), and perhaps wood for bridging small wet areas. As the Trails Committee will be generally considered a subcommittee of the Conservation Commission, the expenses will probably come out of the Commission's budget. The use of power equipment is highly discouraged unless appropriate training, waivers, or insurance are available.

### **Trails Maintenance**

After the trail has been built, it should be mapped. This can be effectively done by using a Global Positioning System (GPS) unit borrowed from the NH Office of State Planning (NH OSP). This unit is far different from the popular, hand-held GPS units sold in sporting stores. The smaller GPS functions almost like a navigating "compass" which is quite helpful in the wilderness. The NH OSP unit's primary function is to capture data (map trails, mark locations of cellar holes, etc) which can be processed into Geographic Information System (GIS) data. With the GIS data, accurate mapping can then be done of the trail.

The Trails Committee would probably be responsible for the majority of the designated Class A or Class B trails within Town depending on the arrangements that have been made. The Hillsborough Night Riders are still responsible for the snowmobile trails they developed, but perhaps an agreement has been made with a trail steward to maintain a trail during the summer months. Committee members do not have to be the only people who perform maintenance on the trails. Property owners and their families are good candidates for maintaining the trails on their land, as are businesses, Scout groups, teachers and their students, and other civic-minded individuals through an "Adopt-A-Trail" program. As a Town will have many trails that need to be maintained, a *Volunteer Maintenance Agreement* (**APPENDIX C**) should be signed by the volunteer and by the Trail Committee. This agreement is a way of keeping track of those

people who volunteer to maintain each trail and to encourage "ownership" of the steward responsibilities of a trail.

People who sign a Volunteer Maintenance Agreement will want to know exactly what they are volunteering for! A "job description" can be a helpful aid to people who want to contribute to the stewardship of a trail but may not know what they are expected to do. A sample can be found in **APPENDIX C**.

To help volunteers take care of a trail, a *Trail Report Form* (**APPENDIX C**) is a tool that encourages the trail stewards to look for problems of and notice exemplary conditions of their trail. Because the report is on paper and has easy check-boxes, it also allows a standardized way for the Trails Committee to track the maintenance of many trails at one time. This type of report also encourages the volunteer to report back to the Trails Committee about the trail on a regular basis.

The municipality's licensed forester can assist with the building and maintenance of trails and can advise if a wetlands permit or notification must be filed with the NHDES when wet areas are crossed.

### **Special Events and Announcements**

Trails have been created, are maintained by volunteers, and have been mapped. A next step is to name the trails and give them their own identities. The Trails Committee may wish to honor the landowner or family that generously donated the use of their land by naming a trail after them. Other ways to "individualize" the trails is to name them after their certain natural characteristics, or what has been spotted along the trail, or after a special person in Town. Trails that have distinct names are easier to promote and attract attention to. Trails dedication ceremonies can attract people to the opening of a new trail and give tremendous pride to the people who working on the trail and to any people who are having a trail named after them.

Promoting your trails can be one of the most rewarding aspects of an open space trail system: the Town, Trails Committee, landowners, and trail stewards get to "show off" the tremendous amount of work they have cooperatively achieved. Tourists can be drawn to the area and residents can take advantage of the unique recreational opportunity offered to them. Informing the public of your accomplishments can take one of many different forms.

Parcel-specific individual maps can be created through the acquisition of GPS data, as noted previously. A municipality may have the capability to produce the maps on its own if it has the proper software and hardware. As an alternative, the Central New Hampshire Regional Planning Commission, like the other eight regional planning commissions in the State, offers low-cost map production services to its member municipalities. After having the maps printed, perhaps through the in-kind donation of the services of a local printing business, they should be placed in the map boxes at the trailheads.

Guidebooks, maps, and brochures are effective "marketing" tools for your trails!



A collection of the maps can be placed into a single trails guidebook and sold without profit to enthusiasts and residents. The guidebook could also contain descriptions about each trail and the interesting finds along the way. Incorporating the trails into maps and into a Trails Guidebook will be one of the best marketing tools to get new people to visit the trails and perhaps even find additional volunteers to steward them.

National Trails Day is a yearly event organized by the American Hiking Society which is intended to bring awareness of the myriad of trail systems throughout the country. Any Conservation Commission, private group, or public group can "sign on" and use the National Trails Day's publicity to generate additional interest and participation in their own trail system. On the day itself, groups all over United States hold trails-related events. For a local Trails Committee, this could mean that the general public is invited to attend and participate in a trail-clearing event or a maintenance event of a trail in need. A Trails Committee could recommend that these temporary volunteers fill out a Volunteer Liability Form in the event that property damage or injury result (see **Volunteer Rallying** for more information). New Hampshire holds its own Trails Day in the summer as well.

Where other trails-related projects are cut-and-dry, public promotional events offer a chance to be creative. Better yet, they provide a different type of fun that appeals to people of all ages. Involving people to plan for and participate in the events will further cement the community's ties to its open space trail system.

## **OPEN SPACE MANAGEMENT**

Conservation lands tie heavily into the equation of people and trails. Not all land which sustains trails will be privately owned. Conservation lands are typically thought of as being permanently protected from development, thus pairing very well with the concept of a trail system built upon them in order to allow people to appreciate nature. But not all open space is permanently protected from development. Through a Master Plan, municipalities are able to identify their conservation goals and objectives and take appropriate actions to help meet those goals.

Hillsborough is host to a number of town-owned properties as well as to a variety of permanently protected conservation lands. Tying these lands together through the means of a trail system not only encourages recreation, it also helps preserve the spirit of the open space concept. To that end, there are many regulatory and non-regulatory techniques available to help municipalities create and retain an open space network.

### **Zoning Ordinances and Regulations**

Municipal Zoning Ordinances, Subdivision Regulations, and Site Plan Review Regulations offer a variety of ways to help preserve the open space within a Town. The types of zones themselves and the allowed uses within each zone play a part in the overall preservation scheme of a Town. For example, while a Residential zone may require a 2-acre minimum lot size and allows development activity, an Agricultural zone may require a 10-acre minimum lot size and may not permit certain types of activity. Many Central New Hampshire Region towns have Conservation zones which have differing lot size minimums and allowed uses, but this zone is typically more sensitive to the requirements of retaining open space.

Another zoning tool is the use of overlay districts. These special districts encompass one or more underlying zones and imposes additional requirements above that required by the underlying zone. Typical overlay districts include Historic, Floodplain, Aquifer, and Wetland. While not traditionally used in the protection of open space, appropriately placed overlay districts, like Wetland for example, can also serve to protect natural habitat over vast areas.

Instead of retention, consider the creation of open space through the municipal Zoning Ordinance. Commonly referred to open space development or “cluster development” or “incentive zoning”, concentration of new housing on smaller than traditional lots encourages the developer to dedicate a large portion of the entire development to permanent preservation. Developers can benefit from open space development by its inherently less expensive infrastructure and by the added value to the building lots that open space creates. A density bonus could be granted, allowing for more building lots to be created through open space development than through traditional zoning. The municipality also benefits from open space development through a significant land donation from the developer. This innovative zoning control can allow the municipality and developer to work cooperatively and conserve large contiguous tracts of land in the process.

A recreational impact fee can be imposed at the time a certificate of occupancy is granted for newly constructed buildings, again through the Zoning Ordinance. A proportionate formula determines the amount of money that must be paid, which goes into a fund in the Capital Improvements Program. As long as municipalities have a properly adopted Master Plan and Capital Improvements Program, impact fees can be charged, but if they are not used within six years they must be returned to the individual. Recreational impact fees can help with the purchase of land, the building of parks, and the construction of trails for public use.

Within the Subdivision and Site Plan Review Regulations, a requirement for developers to donate easements or land can be imposed. For Subdivision Regulations, the most reasonable requirement would be for major subdivisions (over three lots). For either set of regulations, the donation of easements or land can easily supplement the holdings of the Town and can enhance an existing open space network if planned properly. Typically, a municipality needs to have an adopted Master Plan and Capital Improvements Program in place which actively support the rationale behind the donation requirements in order to be defensible.

**Other Municipal Regulatory Techniques**

The current use tax law (RSA 79-A) is a widely-used tool in which property owners ease their tax burden by placing their land under “current use”. While this status helps them lower their property taxes on the parcel, the right to use their property in certain ways has been rescinded. New house construction, subdivision, or other significant terrain- and use-altering activities are prohibited until the property is removed from its current use status, which would then require property owners to pay a portion of the assessed value of the parcel back to the Town. This penalty not only discourages the removal of the current use status, it also create opportunities for municipalities to use the land use change tax in ways that benefit the community.

Many municipalities in the Central Region have, at Town Meeting, voted to allow a percentage of the land use change tax penalties to be allocated to a land acquisition fund. This fund is used to purchase lands of significant open space, aesthetic, historical, or ecological value. The amount of money in this fund can be substantial, and typically the Conservation Commission is in charge how the money is spent.

The creation of a forestry management reserve fund, again through Town Meeting, can assist with the management responsibilities of Town-owned land use for forestry purposes. Forestry revenues generated by forest management have been used by Central Region municipalities for building trails on the forested lots, for hiring a licensed Town Forester to oversee management and write forestry management plans, and for other incidentals associated with forested lands.

**Easements and Acquisitions**

The selective purchase of or acceptance of easements can be instrumental in building a contiguous open space network throughout Town. The same can be said for acquisitions either through donation or through purchase. Although all permanently preserved land is valuable in its own right, the management responsibilities of a new easement or acquisition may outweigh the benefit that the parcel has to offer. For example, a small parcel that is not geographically located near other protected lands may need to be heavily considered as to whether it would become an asset or a liability to the holdings of the Town. Is the parcel suitable for forestry management? Does it contain exemplary characteristics (ponds, wetlands, plant or animal species, scenic vistas, historical value) that make it desirable for permanent conservation? Can the parcel be used as a park or as a trail network connector? These and other questions should be considered before a municipality purchases or accepts a parcel of land into its own holdings.

Alternatives to a municipality taking on the responsibility for management of select parcels would be to contact a land trust about their interest in the parcel. They would also be concerned about the characteristics that a parcel has to offer. However, they have extensive experience negotiating with landowners and drafting the necessary legal documents, and may be able to take quicker action on the parcel’s purchase or donation. Working with local land trusts can also help a Town consider the big picture of open space management. By establishing a positive relationship from the start, both the municipality and the land trust can reap mutual benefits and preserve appropriate land from development. Specifics about easements and acquisitions are listed in the prior **LANDOWNER PARTNERSHIPS** section, and **APPENDIX C** has a listing of State and Central Region area land trusts.

How does a municipality accept a donation of land? It is time to bring in the Town Attorney, who has the resources needed to assist with such a transaction. The Attorney helps the Conservation

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## IMPLEMENTATION MEASURES

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Commission by drafting up the necessary legal documents required. However, it is also good practice to have a professional boundary survey done of the property and to conduct thorough research of the deed to determine if there are any problems prior to acceptance. Typically, such administration and field costs of the donation of a parcel can run between \$2,000 to \$5,000 depending on the size of the parcel and the complexity of any issues at hand. Be confident the land you are accepting is worth your time and the Town's money before you accept the donation of a parcel of land.

## GRANTS AND FUNDING PROGRAMS

There are many funding sources available for trails acquisition and construction, which are the primary components of a trail system, or even a singular trail, after landowner concurrence. The primary source of these funds are through federal programs, most of which are passed through the State of New Hampshire. These funds are competitively awarded through State agencies after a rigorous application process. Match requirements for the federal/state programs, as well as the frequency of the grant rounds, are indicated.

Trails maintenance dollars, however, require a different approach as most grant programs do not support maintenance projects on established trails. Local techniques are the most efficient means of obtaining funds for existing trails. When a Trails Committee applies for a grant, it will do so under the umbrella of the Conservation Commission, which will be applying under the umbrella of the Board of Selectmen. Depending on the grant being applied for and on the warrant articles passed at previous Town Meetings, it might be necessary to write and pass a warrant article for acceptance of grant funds before a contract can be signed with the awarding agency (RSA 31:95-b). **APPENDIX A** contains a sample warrant article for this purpose.

Other approaches listed in this section include partnerships with other organizations and solicitation of funding. With regard to holding fundraisers or asking for donations, if a municipality does not allow its boards (a subcommittee of the Conservation Commission would technically be considered a board of the Town) to accept monetary donations, a different tact would be to consider establishing the Trails Committee as a 501:c-3 organization. This non-profit organization would then be able to accept donations, write grants on its own, and hold fundraisers; it would no longer be considered a board of the municipality but a separate entity. This long-term approach may offer both advantages and disadvantages to the mission of the Trails Committee.

### **Transportation Equity Act for the 21st Century**

The most well known source for funds for expansion of trail systems is associated with the Transportation Equity Act for the 21st Century (TEA-21). In the capacity as the replacement legislation for ISTEA, TEA- 21 has expanded federal funds for creation of multi-use trails in order to encourage the development of a stronger intermodal transportation system. Funding associated with TEA-21 is broken into the following separate grant programs which are administered by different State agencies.

### **Recreational Trails Program - NH DRED**

The purpose of this program is to provide funds to develop and maintain recreational trails for both motorized and non-motorized recreational trail users. Each state is provided with a predetermined amount of funding based upon a formula. This program is one exception where trail maintenance funds can be awarded if the project scores competitively higher than other applications. Awards range between \$1,000 and \$20,000. Eligible projects for funding under this program include, but are not limited to:

- ☐ Maintenance and restoration of existing recreational trails;
- ☐ Development and rehabilitation of trailside and trailhead facilities and trail linkages;
- ☐ Purchase and lease of recreational trail construction and maintenance equipment;
- ☐ Construction of new trails (with restrictions for trails on federal land);
- ☐ Acquisition of easements or property for recreational trails or corridors;
- ☐ State administrative costs; and
- ☐ Operation of educational programs to promote safety and environmental protection as related to recreational trails.  
Match: 80% federal, 20% local (in-kind or cash)  
Frequency: There is one grant round per year.

#### Transportation Enhancement Funds - NH DOT

Transportation Enhancements (TE) are transportation-related projects designed to strengthen environmental, cultural, and aesthetic aspects of transportation networks. This source of funding has been created to construct non-traditional projects, which may include trails, bicycle paths, and beautification and preservation projects. All projects must be related to surface transportation:

- ☐ Safety and educational activities for pedestrians and bicyclists;
- ☐ Bicycle and pedestrian facilities
- ☐ Acquisition of scenic lands and easements
- ☐ Scenic or historic highway programs;
- ☐ Environmental programs to address water pollution from highway runoff; and
- ☐ Establish transportation museums.  
Match: 80% federal, 20% local (in-kind or cash)  
Frequency: There is one grant round every two years.

#### Congestion, Mitigation and Air Quality Improvement Program - NH DOT

The CMAQ program was established to encourage alternative modes of transportation or improvements in order to improve air quality and reduce polluting traffic congestion in urban places. The Central New Hampshire area falls into the attainment category, which means our air quality meets or exceeds federal standards. Trails, bicycle paths, and pedestrian walkways termed as Transportation Control Measures (TCM), are required for areas which exceed National air quality allowances for ozone and carbon monoxide. Although a trails application could be entered for consideration, trails projects are usually funded through the "sister program" of TE. Because the most serious problems are found in areas of non-attainment, only a small amount of funds will be available for projects in attainment areas.

Match: 80% federal, 20% local (in-kind or cash)  
Frequency: every two years

#### **Rivers and Trails Conservation Assistance - National Park Service (US NPS)**

The NPS provides professional assistance on a competitive, yearly basis to organizations that apply to their River and Trail Conservation Assistance Program. Although funds are not usually granted, they will work with the recipients to work toward a goal (producing a handbook or brochure, holding public meetings, organization of potential partnerships, etc).

Match: local work and support (in-kind)  
Frequency: There is one grant round per year.

#### **Land and Water Conservation Fund (LWCF) - NH DRED**

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## IMPLEMENTATION MEASURES

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This federally-established funding opportunity has been severely underfunded for the last several years. The Land and Water Conservation Fund Act of 1965 authorized financial assistance to States and their municipalities for acquiring and developing lands and waters for public outdoor recreation purposes. There have been extensive, popular movements over the last few years to get Congress to refund this important program, but as of yet to no avail.

Match: 60% federal match, 40% local of cash or local work and support (in-kind)

Frequency: There is one grant round per year.

### **Community Development Block Grants (CDBG) - NH Office of State Planning (NH OSP)**

Each year, New Hampshire receives approximately 10 million dollars from the US Department of Housing and Urban Development. Of each annual appropriation, funds are divided between administrative costs, entitlement communities, and previous allocations guaranteed for multi-year grants. Remaining funds are available for grant applications from non-entitlement communities. Administered through the Office of State Planning, non-entitlement communities may submit applications community facilities or economic development grants for a variety of projects, which includes construction of bicycle paths, sidewalks, and trail development. Because of the very competitive scoring and limitation of funds, the likelihood that a trails-related application would be funded at this time is slim.

Match: 50% local for community facilities or economic development grants

Frequency: There are two grant rounds each year.

### **McCabe Environmental Fund - NH Charitable Foundation**

Grants are awarded to assist the establishment of new conservation and education programs, to support significant improvements to the quality and scope of established programs, and for capital projects, including land acquisition, of exceptional importance in the State. Awards range from \$5,000 to \$20,000.

Match: local work and support (in-kind)

Frequency: There is one grant round per year.

**New England Grassroots Environmental Fund - NH Charitable Foundation**

This small grants program is designed to enhance community participation in local and regional environmental issues. A significant volunteer commitment must be part of any project. Awards typically range from \$500 to \$2,500.

Match: local work and support (in-kind)

Frequency: There are three grant rounds per year.

**Local Set-Aside Programs**

Funding for trails related projects are not limited to the State or Federal level of government.

Municipalities, especially those with a large dependence on tourism, have passed resolutions to transfer various percentages of the Timber Tax received by the Town for conservation and trail building efforts.

In communities with a heavy dependence on timber, this may be a significant amount of revenue for trails-related projects. Also, a land use change tax conservation fund (see also **OPEN SPACE**

**MANAGEMENT**) takes the burden off of outright expenditures for easements or key parcel purchases.

**APPENDIX A** contains a warrant article for creating a conservation fund.

**Sale of Salvage Rights**

Commonly used to finance trail improvements associated with abandoned railway beds, the sale of salvage rights of materials found on trails such as rail road ties, rails, and ballasts can be a lucrative way to raise funds for trail development. Revenue generated from the sale of these items can vary widely depending on geographic location of the items, local market conditions, length of the corridor, and quantity and quality of salvageable materials. According to the Rails-to-Trails Conservancy, salvage material can produce revenue up to \$10,000 per mile or rail corridor. In Hillsborough, all of the railroad ties have been previously removed, rendering this option impractical.

**Capital Improvements Programs**

Some progressive communities throughout the country have established Capital Reserve funds to match gifts or complement exactions for improvement of municipally owned trail networks. Capital Improvement Programs are excellent for development of trails. First, funds deposited into any capital reserve fund are “ear marked” for expenditure on trail related projects. Secondly, such funds can serve as legal leverage when negotiating exactions from developers, because any capital reserve account for trail improvement shows a local commitment to improvement of trails, important should a developer mount a legal objection to any exaction.

**Non-Profit Partnerships**

There are a host of non-profit organizations throughout the country that may be able to provide funding, technical assistance, or act as negotiators with landowners for land conservation or trail projects. Organizations include the Trails Conservancy, Trust for Public Lands, the Nature Conservancy, and the Society for the Protection of New Hampshire Forests.

### **Local Businesses**

Businesses within Town, particularly banks or large chain stores, are usually enthusiastic about giving back to their community. Some regularly set aside a certain amount of funds on a yearly basis to give to community organizations that express a genuine need. The business benefits by being publicly known as a sponsor of volunteer community efforts, and the Trails Committee benefits by the funds it would receive.

A word of caution about monetary gifts: municipalities and their boards may or may not have established mechanisms in place to accept or solicit donations. The Board of Selectmen should be consulted prior to approaching businesses in order to determine the legality of the donation.

### **Fundraisers and Monetary Gifts**

A variety of innovative fundraising resources have been developed over the past several years to provide money for trail improvements. These techniques range from traditional bake sales, to raffles, to dinners, to hike-a-thons, to the “selling” of sections of trails for \$10 per foot to outdoor enthusiasts. Other techniques include the sale of benches and trees. Donators are recognized by having their names either inscribed on the bench, or with a plaque under the purchased tree. Naming a scenic view or even a trail for families or organizations making significant donations may be an appropriate way to recognize such gifts. Community organizations like the Rotary Club or Lions Club may be willing to assist or provide information about how to organize such events.

Again, a word of caution about fundraisers and monetary gifts: municipalities and their boards may or may not have established mechanisms in place to accept donations or hold fundraisers. The Board of Selectmen should be consulted before undertaking these types of events to determine the legality of the fundraising. As an alternative, non-monetary donations such as trails maintenance equipment, benches, trees, or the printing of maps or brochures are acceptable as "in-kind" donations.





**SAMPLE LANDOWNER AGREEMENT**

**RIGHT OF WAY TRAIL AGREEMENT**

Permission is hereby granted to \_\_\_\_\_ to create and maintain a public recreational trail across my property at \_\_\_\_\_ for the purposes of:

- |  |   |
|--|---|
| <input type="checkbox"/> hiking                        | <input type="checkbox"/> four-wheel driving (4WD) |
| <input type="checkbox"/> horseback riding              | <input type="checkbox"/> snowmobiling             |
| <input type="checkbox"/> mountain biking               | <input type="checkbox"/> motorbiking              |
| <input type="checkbox"/> all-terrain vehicle (ATV) use | <input type="checkbox"/> dogsledding              |
| <input type="checkbox"/> cross-country skiing          | <input type="checkbox"/> snowshoeing              |
| <input type="checkbox"/> other _____                   | <input type="checkbox"/> other _____              |

I understood that the use of this right of way for said purpose in no way holds me liable or responsible for accidents that may occur as a result of others using my property as provided in Chapter 212, Section 34, Laws of the State of New Hampshire. There shall be no fee for this easement, and the above-named organization will charge no fee for use of the trail on my property. The above named organization further agrees to mark and maintain this right of way in a proper and safe manner, post the allowed uses at the beginning and end of the trail on my property, and notify me of any known unusual circumstances or conditions.

This agreement shall have a term of:

- ☐ Indefinite      ☐ 1 year from date of signing      ☐ 5 years from date of signing

This agreement may be terminated for any cause by either party upon 30-day written notification.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Landowner Date

\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
Organization Officer Date

\_\_\_\_\_

\_\_\_\_\_  
Address

**SAMPLE CONSERVATION EASEMENT DEED**

[THIS IS A NON-CONTRACTUAL CONVEYANCE  
PURSUANT TO NEW HAMPSHIRE RSA 78-B:2 AND  
IS EXEMPT FROM THE NEW HAMPSHIRE REAL  
ESTATE TRANSFER TAX.] [If tax stamp required, allow  
3" margin from top of page to title of deed]

*(provided by the Society for the Protection of NH Forests 1999)*

**CONSERVATION EASEMENT DEED**

[**NAME OF GRANTOR(S)**], single/husband and wife, of/with a principal place of business at [street name and number], Town/City of \_\_\_\_\_, County of \_\_\_\_\_, State of New Hampshire, (hereinafter referred to as the "Grantor", which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs, successors and assigns),

for consideration paid, with WARRANTY covenants, grant[s] in perpetuity to

the **SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS**, a corporation duly organized and existing under the laws of the State of New Hampshire, with a principal place of business at 54 Portsmouth Street, City of Concord, County of Merrimack, State of New Hampshire, 03301-5400, having been determined by the Internal Revenue Service to be an income tax exempt, publicly supported corporation, contributions to which are deductible for federal income tax purposes pursuant to the United States Internal Revenue Code, [Town or City of \_\_\_\_\_, situated in the County of \_\_\_\_\_, State of New Hampshire, acting through its Conservation Commission pursuant to NH RSA 36-A:4] (hereinafter referred to as the "Grantee" which shall, unless the context clearly indicates otherwise, include the Grantee's successors and assigns),

the Conservation Easement (herein referred to as the "Easement") hereinafter described with respect to that certain parcel/area of land (herein referred to as the "Property") with any and all buildings, structures, and improvements thereon/being unimproved land situated on [street name] in the Town/City of \_\_\_\_\_, County of \_\_\_\_\_, State of New Hampshire, more particularly bounded and described in Appendix "A" attached hereto and made a part hereof.

1. **PURPOSES**

The Easement hereby granted is pursuant to NH RSA 477:45-47, exclusively for the following conservation purposes:

[choose appropriate section(s) among the following:]

- A.     The preservation of the land [and the water body of (name of water body) to which it provides access and on which it fronts] subject to the Easement granted hereby for outdoor recreation by and/or the education of the general public, through the auspices of the Grantee; and
- B.     The protection of the unusual natural habitat of \_\_\_\_\_; and
- C.     The preservation and conservation of open spaces, particularly the conservation of the \_\_\_\_ acres of productive farm and/or forest land of which the land area subject to the Easement granted hereby consists [, the protection of the undeveloped water frontage along the (name of water body), to which the land area subject to the Easement granted hereby provides access and upon which it fronts], the preservation and conservation of the wildlife habitat on the property, and the scenic enjoyment of the general public; and
- [D.     The preservation of that historically important land area which is \_\_\_\_\_ and/or the historic structure which is \_\_\_\_\_; and]
- [E.     insert additional purposes, as appropriate]

The above purposes are consistent with the clearly delineated open space conservation goals and/or objectives as stated in the [date] Master Plan of the Town/City of \_\_\_\_\_, which states " \_\_\_\_\_ " and with New Hampshire RSA Chapter 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources."

All of these purposes [this purpose] are [is] consistent and in accordance with the U.S. Internal Revenue Code, Section 170(h).

The Easement hereby granted with respect to the Property is as follows:

2.     USE LIMITATIONS [(Subject to the reserved rights specified in Section 3 below)]

A.     The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities, except agriculture and forestry as described below, and provided that the productive capacity of the Property to produce forest and/or agricultural crops shall not be degraded by on-site activities.

        i.     For the purposes hereof, "agriculture" and "forestry" shall include animal husbandry, floriculture, and horticulture activities; the production of plant and animal products for domestic or commercial purposes; the growing, stocking, cutting, and sale of Christmas trees or forest trees of any size capable of producing timber or other forest products; and the processing and sale of products produced on the Property (such as pick-your-own fruits and vegetables and maple syrup), all as not detrimental to the purposes of this Easement.

ii. Agriculture and forestry on the Property shall be performed, to the extent reasonably practicable, in accordance with a coordinated management plan for the sites and soils of the Property. Forestry and agricultural management activities shall be in accordance with the then current scientifically based practices recommended by the University of New Hampshire Cooperative Extension, U.S. Natural Resources Conservation Service, or other government or private, nonprofit natural resource conservation and management agencies then active. [Management activities shall not materially impair the scenic quality of the Property as viewed from public waterways, great ponds, public roads, or public trails.]

B. The Property shall not be subdivided [or otherwise divided in ownership] [and none of the individual tracts which together comprise the Property shall be conveyed separately from one another].

C. No structure or improvement, including, but not limited to, a dwelling, any portion of a septic system, tennis court, swimming pool, dock, aircraft landing strip, tower or mobile home, shall be constructed, placed, or introduced onto the Property. However, ancillary structures and improvements including, but not limited to, a road, dam, fence, bridge, culvert, barn, maple sugar house, or shed may be constructed, placed, or introduced onto the Property only as necessary in the accomplishment of the agricultural, forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Property, and provided that they are not detrimental to the purposes of this Easement.

D. No removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall be allowed unless such activities:

i. are commonly necessary in the accomplishment of the agricultural, forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Property; and

ii. do not harm state or federally recognized rare, threatened, or endangered species, such determination of harm to be based upon information from the New Hampshire Natural Heritage Inventory or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of such species; and

iii. are not detrimental to the purposes of this Easement.

Prior to commencement of any such activities, all necessary federal, state, local, and other governmental permits and approvals shall be secured.

E. No outdoor advertising structures such as signs and billboards shall be displayed on the Property except as desirable or necessary in the accomplishment of the agricultural, forestry, conservation, or noncommercial outdoor recreational uses of the Property, and provided such signs are not detrimental to the purposes of this Easement. [No sign shall exceed \_\_\_\_ square feet in size and no sign shall be artificially illuminated.]

F. There shall be no mining, quarrying, excavation, or removal of rocks, minerals, gravel, sand, topsoil, or other similar materials on the Property, except in connection with any improvements made pursuant to the provisions of sections 2.A., C., D., or E., above. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Property.

G. There shall be no dumping, injection, burning, or burial of man-made materials or materials then known to be environmentally hazardous.

3. RESERVED RIGHTS

A. This provision is an exception to 2.\_\_\_\_ above.

B. The Grantor must notify the Grantee in writing at least thirty (30) days before any exercise of the aforesaid reserved rights.

4. NOTIFICATION OF TRANSFER, TAXES, MAINTENANCE

A. The Grantor agrees to notify the Grantee in writing 10 days before the transfer of title to the Property [or any division of ownership thereof permitted hereby].

B. The Grantee shall be under no obligation to maintain the Property or pay any taxes or assessments thereon.

5. BENEFITS, BURDENS, AND ACCESS

A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

B. The Grantee shall have reasonable access to the Property and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement.

6. BREACH OF EASEMENT

A. When a breach of this Easement, or conduct by anyone inconsistent with this Easement, comes to the attention of the Grantee, it shall notify the Grantor in writing of such breach or conduct, delivered in hand or by certified mail, return receipt requested.

B. The Grantor shall, within thirty (30) days after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, including restoration, which are reasonably calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Grantor shall promptly notify the Grantee of its actions taken under this section.

## **APPENDIX A: SAMPLE LEGAL DOCUMENTS**

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C. If the Grantor fails to take such proper action under the preceding paragraph, the Grantee shall, as appropriate to the purposes of this deed, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Grantor's name or to terminate such conduct. The cost thereof, including the Grantee's expenses, court costs, and legal fees shall be paid by the Grantor, provided that the Grantor is directly or primarily responsible for the breach.

D. Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Property resulting from causes beyond the Grantor's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. The Grantee and the Grantor reserve the right, separately or collectively, to pursue all legal remedies against any third party responsible for any actions detrimental to the conservation purposes of this Easement.

### **[7. POWER OF TERMINATION**

A. If the Grantee ceases to enforce the Easement conveyed hereby or fails to enforce it within thirty (30) days after receipt of written notice from the Society for the Protection of New Hampshire Forests requesting such enforcement delivered in hand or by certified mail, return receipt requested, then said Society shall have the right to enforce this Easement. All reasonable costs of such enforcement shall be paid by the Grantee. In such circumstance, the Society for the Protection of New Hampshire Forests shall then also have the right to terminate the interest of the Grantee in the Property by recording a notice to that effect in the Registry of Deeds referring hereto and shall then assume all interests and responsibilities granted to the Grantee in this deed.

B. The interests held by the Society for the Protection of New Hampshire Forests are assignable or transferable to any party qualified to become the Grantee's assignee or transferee as specified in Section 5.A. above. Any such assignee or transferee shall have like power of assignment or transfer.]

### **8. NOTICES**

All notices, requests and other communications, required or permitted to be given under this Easement shall be in writing, except as otherwise provided herein, and shall be delivered in hand or sent by certified mail, postage prepaid, return receipt requested to the appropriate address set forth above or at such other address as the Grantor or the Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

**9. SEVERABILITY**

If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

**10. CONDEMNATION**

A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate in whole or in part the Easement conveyed hereby, the Grantor and the Grantee shall thereupon act jointly to recover the full damages resulting from such taking with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.

B. [The balance of the land damages recovered (including, for purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the restrictions hereunder) shall be divided between the Grantor and the Grantee in proportion to the fair market value of their respective interests in the Property on the date of execution of this Easement. For this purpose, the Grantee's interest shall be the amount by which the fair market value of the Property immediately prior to the execution of this Easement is reduced by the use limitations imposed hereby. The value of the Grantee's interest shall be determined by an appraisal prepared [for federal income tax purposes] by a qualified appraiser within one year of the date of this Easement, and submitted to the Grantee.] or

[The balance of the land damages recovered (including, for purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the restrictions hereunder) shall be divided between the Grantor and the Grantee in proportion to the fair market value, at the time of condemnation, of their respective interests in that part of the Property condemned. The values of the Grantor's and Grantee's interests shall be determined by an appraisal prepared by a qualified appraiser at the time of condemnation.]

C. The Grantee shall use its share of the proceeds in a manner consistent with and in furtherance of one or more of the conservation purposes set forth herein.

**11. ADDITIONAL EASEMENT**

Should the Grantor determine that the expressed purposes of this Easement could better be effectuated by the conveyance of an additional easement, the Grantor may execute an additional instrument to that effect, provided that the conservation purposes of this Easement are not diminished thereby and that a public agency or qualified organization described in Section 5.A., above, accepts and records the additional easement.

12. ARBITRATION OF DISPUTES

A. Any dispute arising under this Easement shall be submitted to arbitration in accordance with New Hampshire RSA 542.

B. The Grantor and the Grantee shall each choose an arbitrator within 30 days of written notice from either party. The arbitrators so chosen shall in turn choose a third arbitrator within 30 days of the selection of the second arbitrator.

C. The arbitrators so chosen shall forthwith set as early a hearing date as is practicable which they may postpone only for good cause shown.

D. A decision by two of the three arbitrators, made as soon as practicable after submission of the dispute, shall be binding upon the parties and shall be enforceable as part of this Easement.



The Grantee, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

IN WITNESS WHEREOF, I (We) have hereunto set my (our) hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Name of Grantor

Name of Grantor

The State of \_\_\_\_\_  
County of \_\_\_\_\_

Personally appeared \_\_\_\_\_ and  
\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ and  
acknowledged the foregoing to be his/her/their voluntary act and deed.

Before me,

Justice of the Peace/Notary Public

My commission expires:

ACCEPTED: SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS

By:

Title:

Duly Authorized

Date:

The State of New Hampshire  
County of

Personally appeared

Title

of the Society for the Protection of New Hampshire Forests, this \_\_\_\_\_ day of  
\_\_\_\_\_, 199\_\_ and acknowledged the foregoing on behalf of the  
Society for the Protection of New Hampshire Forests.

Before me,

Justice of the Peace/Notary Public

My commission expires:

ACCEPTED: TOWN OF \_\_\_\_\_ CONSERVATION COMMISSION

By:

Title:

Duly Authorized

Date:

The State of New Hampshire  
County of \_\_\_\_\_

Personally appeared

Name & Title

of the Town of \_\_\_\_\_ Conservation Commission, this \_\_\_\_\_ day of  
\_\_\_\_\_, 199\_\_ and

acknowledged the foregoing on behalf of the Town of \_\_\_\_\_  
Conservation Commission.

Before me,

Justice of the Peace/Notary Public

My commission expires:

ACCEPTED: TOWN OF \_\_\_\_\_ BOARD OF SELECTMEN

By:

Title:

Duly Authorized

Date:

The State of New Hampshire  
County of

Personally appeared

Name & Title

of the Town of \_\_\_\_\_ Board of Selectmen, this \_\_\_\_\_ day of  
\_\_\_\_\_, 199\_\_ and acknowledged the foregoing on behalf of the Town of  
\_\_\_\_\_ Board of Selectmen.

Before me,

Justice of the Peace/Notary Public

My commission expires:

THE FOLLOWING ADDITIONAL OPTIONAL CLAUSES ARE TO BE INSERTED WITHIN THE CE DEED WHEN THEY ARE APPLICABLE:

SEPARATE PARCEL (Add as new paragraph #11)

The Grantor agrees that for the purpose of determining compliance with any present or future bylaw, order, ordinance, or regulation (within this section referred to as "legal requirements") of the Town/City of [name], the State of New Hampshire or any other governmental unit, the Property shall be deemed a separate parcel of land and shall not be taken into account in determining whether any land of the Grantor, other than the Property, complies with any said legal requirements. The Property shall not be taken into account to satisfy in whole or in part any of said legal requirements or any area, density, setback or other dimensional standard applicable to such land.

MERGER (Add as new paragraph #11)

The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assign shall be deemed to eliminate the Easement, or any portion thereof, granted hereunder under the doctrine of "merger" or any other legal doctrine.

ARCHAEOLOGICAL INVESTIGATIONS (Add to "Reserved Rights")

Grantor reserves the right to permit archaeological investigations on the Property after receiving written approval from the Grantee. Prior to permitting any such investigations, Grantor shall send written notice to the New Hampshire State Archaeologist (or other person or agency then recognized by the State as having responsibility for archaeological resources) for review and comment, and to the Grantee, such notice describing the nature, scope, location, timetable, qualifications of investigators, site restoration, research proposal, and any other material aspect of the proposed activity. The Grantor and Grantee shall request the State Archaeologist (or other person or agency, as above) to consider the proposal, to apply the standards as specified in rules implementing RSA 227-C:7 (Permits Issued for State Lands and Waters), and to provide written comments to the Grantor and Grantee. The Grantee may, in its sole discretion, approve the proposed investigations only if it finds that all of the following conditions are met:

- i. The archaeological investigations shall be conducted by qualified individuals and according to a specific research proposal;
- ii. The proposed activities will not harm state or federally recognized rare, endangered, or threatened species; and
- iii. The proposed activities will not be materially detrimental to the purposes of this Easement.

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**APPENDIX A: SAMPLE LEGAL DOCUMENTS**

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TRUSTEE CERTIFICATION, (IF NOT ALREADY SEPARATELY RECORDED); (INSERT AS FIRST PARAGRAPH OF DEED)

I/WE (name) as Trustee(s) of the (name of trust) dated (date), as amended, with a mailing address of (address), hereby certify that as such Trustee(s) I/we have full and absolute power thereunder to convey any interest in real estate and the improvements thereon held therein and no purchaser or third party shall be bound to inquire whether as such Trustee(s) I/we have said power or am/are properly exercising said power or to see to the application of any trust asset paid to me/us as such Trustee(s) for a conveyance thereof, and I/we (hereinafter referred to as the “Grantor”, which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor’s successors and assigns), [by the power conferred by said Trust, RSA 564-A, and every other power,] [add text in prior brackets only if fiduciary or quitclaim deed; not needed if warranty deed]

for consideration paid, with WARRANTY [QUITCLAIM/FIDUCIARY] covenants, grant in perpetuity to

PUBLIC ACCESS (Insert as new par. under “Use Limitations”)

There shall be no posting to prohibit the public, through the auspices of the Grantee, from accessing and using the Property [or specified portions thereof] for [low-impact, non-motorized, non-wheeled] non-commercial, outdoor recreational purposes, which the Grantee shall be under no duty to supervise.

CONFIRMATION OF NO PUBLIC ACCESS (Add as new par. to “Benefits, Burdens, and Access”)

WATER QUALITY PROTECTION (Add to “Purposes” section)

The preservation of the quality of ground water and surface water resources on and under the Property.

CONFIRMATION OF NO PUBLIC ACCESS (Add as new par. To “Benefits, Burdens, and Access”)

This Easement shall in no way be interpreted to permit physical access by the public to or across the Property for any purpose.

AGRICULTURAL BEST MANAGEMENT PRACTICES (At Sect. 2.A.ii, delete “Agriculture and” and “and agricultural” in lines 1 and 3, respectively. Then, create new paragraph 2.A.iii with the following text.)

Agriculture shall be performed, to the extent reasonably practicable, in accordance with a coordinated management plan for the sites and soils of the Property. Agricultural management activities shall not be detrimental to the purposes of this Easement, as described in Section 1 above, nor materially impair the scenic quality of the Property as viewed from public roads or public trails. Said management activities shall be in accordance with the then-current scientifically based practices recommended by the UNH Cooperative Extension, U.S. Natural Resources Conservation Service, or other government or private, nonprofit natural resource conservation and management agencies then active, and shall be in accordance with “best management practices” as set forth in the following publications or as these publications may be specifically updated or superseded:

- a. “Manual of Best Management Practices for Agriculture in New Hampshire,” New Hampshire Department of Agriculture, June 1993; and
- b. “Pesticide Management Guidelines for Groundwater Protection,” University of New Hampshire Cooperative Extension, November 1992; and
- c. “Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities,” Audubon Society of New Hampshire, New Hampshire Office of State Planning, University of New Hampshire Cooperative Extension, U.S. Natural Resources Conservation Service, November 1995; and
- d. “Best Management Practices: Biosolids,” University of New Hampshire Cooperative Extension, 1995; and
- e. “Best Management Practices to Control Nonpoint Source Pollution: A Guide for Citizens and Town Officials,” New Hampshire Department of Environmental Services, May 1994.

**SAMPLE WARRANT ARTICLES**

**Warrant Article for Creating a Capital Improvements Program**

To see if the Town will authorize the Planning Board to prepare and amend a recommended program of capital improvement projects projected over minimum periods of six years, in accordance with RSA 674:5-8.

- Town of Canterbury, 1996

**Warrant Article for Establishing a Land Use Change Tax Conservation Fund**

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purposes of the Conservation Commission and to raise and appropriate the sum of One Thousand Dollars (\$1000) to be placed in this fund and to authorize the Selectmen to act as agents to expend.

- Town of Allenstown, 1999

**Warrant Article for Amending the Land Use Change Tax Percentage**

To see if the Town will vote to change to 35% the percentage of all revenues from all future payments collected under the land use change tax set forth in RSA Chapter 79-A which are placed in the conservation fund in accordance with RSA 36-A:5,III. The current percentage is 20% as established by the 1993 Town Meeting.

- Town of Hopkinton, 1996

**Warrant Article for Raising Money for Open Space Acquisition**

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) for open space acquisition by the Conservation Commission in order to preserve the character of our community, maintain open space, and control growth.

- Town of Bow, 1997

**Warrant Article for Acceptance of Grant Funds**

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend, without further action by the Town Meeting, unanticipated money from a state, federal, or other governmental unit or private source which may become available during the fiscal year, in accordance with the provisions of RSA 31:95-b, provided that said authority is granted indefinitely until such time as rescinded by a vote of the Town Meeting.

- Town of Alton, 1994



**Warrant Article for Retaining Town-Owned Land for Conservation Purposes**

To see if the Town will vote to retain ownership of lots 11-67,100 and 11-400,210 and 11-376,213 comprising a total of eight (8) acres located in the former Penhallow development off the East Washington Road as per RSA 80:80, V and place these lots under the supervision of the Bradford Conservation Commission in order to further the development of a trail system linking Town held conservation lands.

- Town of Bradford, 1999

**Warrant Article for Acceptance of Land Donation as Town Forest**

To see if the Town will accept a 41.69 acre gift of land from Forrest and Vera Fogg, being tract #C3-1-2 that lies North of Gorham Pond Road adjacent to the Kuncanowet Town Forest and Conservation Area, upon mutual satisfaction of the conditions agreed upon by Forrest and Vera Fogg and the KTFCA committee. When the transfer is completed, this tract is to be dedicated as part of the Kuncanowet Town Forest and Conservation Area designated by Articles Z and XI at the 1989 Town Meeting.

- Town of Dunbarton, 1994

**Warrant Article for Permanent Discontinuance of Road**

To see if the Town will vote to discontinue and relinquish all interests of the Town therein a portion of Sand Road beginning at a point nine hundred fifty feet (950') from Pembroke Street/Route 3 and terminating at Sheep Davis Road/Route 106, pursuant to RSA 231:43, provided that the Town incurs no expense resulting from the discontinuance.

- Town of Pembroke, 1997

**Warrant Article for Reclassifying a Class VI Highway to a Class A Trail**

To see if the Town will vote to reclassify Smith Road, a Class VI highway, and the Class VI portion of Dunfield as Class A Trails in accordance with RSA 231-A. A Class A trail is a full public right of way subject to public trail use restrictions. It may not be used for vehicular access to any new building, but it may be used by abutting landowners to provide access for agriculture and forestry and to any building existing prior to its designation as a Class A trail. The municipality shall bear no responsibility for maintaining the trail for such uses.

- Town of Bradford, 1997

**Warrant Article for Designating a Scenic Road**

To see if the Town of Sutton, NH will vote to designate Cotton Road, commencing at Baker Road, a scenic road in accordance with RSA 231:157 and 158, for the purpose of protecting and enhancing the rural and scenic character and beauty of Sutton.

- Town of Sutton, 1996



# TITLE 3

## Towns, Cities, Village Districts, and Unincorporated Places

### CHAPTER 31

#### Powers and Duties of Towns

#### Miscellaneous

#### SECTION 31:95-b

**§ 31:95-b Appropriation for Funds Made Available During Year.** – I. Notwithstanding any other provision of law, any town or village district at an annual meeting may adopt an article authorizing, indefinitely until specific rescission of such authority, the board of selectmen or board of commissioners to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year. The following shall apply:

(a) Such warrant article to be voted on shall read: "Shall the town (or village district) accept the provisions of RSA 31:95-b providing that any town (or village district) at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen (or commissioners) to apply for, accept and expend, without further action by the town (or village district) meeting, unanticipated money from a state, federal, or other governmental unit or a private source which becomes available during the fiscal year?"

(b) If a majority of voters voting on the question vote in the affirmative, the proposed warrant article shall be in effect in accordance with the terms of the article until such time as the town or village district meeting votes to rescind its vote.

II. Such money shall be used only for legal purposes for which a town or village district may appropriate money.

III. The selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

IV. Action to be taken under this section shall:

(a) Not require the expenditure of other town or village district funds except those funds lawfully appropriated for the same purpose; and

(b) Be exempt from all provisions of RSA 32 relative to limitation and expenditure of town or village district moneys.

**Source.** 1979, 42:1. 1991, 25:1. 1993, 176:3, eff. Aug. 8, 1993. 1997, 105:1, eff. Aug. 8, 1997.

# TITLE 3

## Towns, Cities, Village Districts, and Unincorporated Places

### CHAPTER 36A

#### Conservation Commissions

#### SECTION 36-A:5

**§ 36-A:5 Appropriations Authorized.** – I. A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the conservation fund and shall pay out the same only upon order of the conservation commission. The disbursement of conservation funds shall be authorized by a majority of the conservation commission. Prior to the use of such funds for the purchase of any interest in real property, the conservation commission shall hold a public hearing with notice in accordance with RSA 675:7.

III. In the municipality that has adopted the provisions of RSA 79-A:25, II, the specified percentage of the revenues received pursuant to RSA 79-A shall be placed in the conservation fund.

**Source.** 1963, 168:1. 1973, 550:4. 1987, 318:2. 1988, 120:1, eff. June 18, 1988.

# TITLE 5

## Taxation

### CHAPTER 79A

#### Current Use Taxation

##### SECTION 79-A:1

**§ 79-A:1 Declaration of Public Interest.** – It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources. It is further declared to be in the public interest to prevent the loss of open space due to property taxation at values incompatible with open space usage. Open space land imposes few if any costs on local government and is therefore an economic benefit to its citizens. The means for encouraging preservation of open space authorized by this chapter is the assessment of land value for property taxation on the basis of current use. It is the intent of this chapter to encourage but not to require management practices on open space lands under current use assessment.

**Source.** 1973, 372:1. 1991, 281:2, eff. Aug. 17, 1991. 1996, 176:2, eff. Aug. 2, 1996.

# TITLE 5

## Taxation

### CHAPTER 79A

#### Current Use Taxation

##### SECTION 79-A:4

**§ 79-A:4 Powers and Duties of Board; Rulemaking.** – The board shall have the following powers and duties:

I. It shall meet at least annually, after July 1, to establish a schedule of criteria and current use values to be used for the succeeding year. It shall have the power to establish minimum acreage requirements of 10 acres or less. It shall also review all past current use values and criteria for open space land established by past boards. The board shall make such changes and improvements in the administration of this chapter as experience and public reaction may recommend.

II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snowshoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific agricultural or forest crop or activity. The owner of land who opens his land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34.

III. The board shall annually determine, vote upon and recommend to the chairman of the board the schedule of criteria and current use values for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums throughout the state to receive general comment through verbal and written testimony on the current use law. After the public forums are concluded and the board has made its recommended changes, the chairman shall proceed to adopt any proposed rules, in accordance with paragraph IV.

IV. The chairman of the board shall adopt rules, pursuant to RSA 541-A, for the schedule of criteria and current use values as recommended by the board, and for other forms and procedures as are needed to implement this chapter consistent with board recommendations and to assure a fair opportunity for owners to qualify under this chapter and to assure compliance of land uses on classified lands.

**Source.** 1973, 372:1. 1974, 7:4. 1977, 326:3. 1982, 33:2. 1986, 62:1. 1988, 5:3. 1991, 281:7. 1993, 205:1. 1995, 137:3, eff. May 24, 1995.

# TITLE 5

## Taxation

### CHAPTER 79A

#### Current Use Taxation

#### Miscellaneous

#### SECTION 79-A:25

**§ 79-A:25 Disposition of Revenues.** – I. Except as provided in paragraph II, all money received by the tax collector pursuant to the provisions of this chapter shall be for the use of the town or city.

II. The legislative body of the town or city may, by majority vote, elect to place the whole or a specified percentage, amount, or any combination of percentage and amount, of the revenues of all future payments collected pursuant to this chapter in a conservation fund in accordance with RSA 36-A:5, III. The whole or specified percentage or amount, or percentage and amount, of such revenues shall be deposited in the conservation fund at the time of collection.

III. If adopted by a town or city, the provisions of RSA 79-A:25, II shall take effect in the tax year beginning on April 1 following the vote and shall remain in effect until altered or rescinded pursuant to RSA 79-A:25, IV.

IV. In any town or city that has adopted the provisions of paragraph II, the legislative body may vote to rescind its action or change the percentage or amount, or percentage and amount, of revenues to be placed in the conservation fund. Any such action to rescind or change the percentage or amount, or percentage and amount, shall not take effect before the tax year beginning April 1 following the vote.

**Source.** 1973, 372:1. 1988, 120:2. 1991, 281:19, 20, eff. Aug. 17, 1991.

# TITLE 5

## Taxation

### CHAPTER 79A

#### Current Use Taxation

#### Miscellaneous

#### SECTION 79-A:25-a

**§ 79-A:25-a Land Use Change Tax Fund.** – I. Towns and cities may, pursuant to RSA 79-A:25-b, vote to account for all revenues collected pursuant to this chapter in a land use change tax fund separate from the general fund. After a vote pursuant to RSA 79-A:25-b, no land use change tax revenue collected under this chapter shall be recognized as general fund revenue for the fiscal year in which it is received, except to the extent that such revenue is appropriated pursuant to paragraph II of this section. Any land use change tax revenue collected pursuant to this chapter which is to be placed in a conservation fund in accordance with RSA 79-A:25, II, shall first be accounted for as revenue to the land use change tax fund before being transferred to the conservation fund at the time of collection.

II. After any transfer to the conservation fund required under the provisions of RSA 79-A:25, II, the surplus remaining in the land use change tax fund shall not be deemed part of the general fund nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the legislative body shall have had the opportunity at an annual meeting to appropriate a specific amount from said fund for any purpose not prohibited by the laws or by the constitution of this state. At the end of an annual meeting, any unappropriated balance of land use change tax revenue received during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year.

**Source.** 1991, 156:1. 1992, 122:1, eff. June 30, 1992.



# TITLE 5

## Taxation

### CHAPTER 80

#### Collection Of Taxes

#### Real Estate Tax Liens

##### SECTION 80:80

**§ 80:80 Transfer of Tax Lien.** – I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

II. If the selectmen or mayor are so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The selectmen or mayor shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

II-a. If the selectmen or mayor are authorized to transfer such liens during the 2-year redemption period, either a public auction shall be held, or the liens may be sold by advertised sealed bids. The selectmen or mayor may establish minimum bids, and may set the terms and conditions of the sale. Such liens may be sold singly or in combination, but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the lienholder for purposes of RSA 80:72 and 80:76.

III. The selectmen may, by a specific article in the town warrant, or the mayor, by ordinance, may be authorized to dispose of a lien or tax deeded property in a manner than otherwise provided in this section, as justice may require.

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city or town council provided, however, that the authority to transfer tax liens, or to sell real estate acquired in default of redemption, or to vary the manner of such sale or transfer as justice may require, may be granted for an indefinite period, in which case the warrant article or vote granting such authority shall use the words "indefinitely, until rescinded" or similar language.

V. Towns and cities may retain and hold for public uses real property the title to which has been acquired by them by tax collector's deed, upon vote of the town meeting or city council approving the same.

VI. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the selectmen or mayor to convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement.

**Source.** 1987, 322:1. 1992, 173:3, 4. 1993, 176:10, eff. Aug. 8, 1993. 1997, 266:4, eff. Jan. 1, 1998.

# TITLE 18

## Fish And Game

### CHAPTER 212

#### Propagation Of Fish And Game

#### Liability of Landowners

#### SECTION 212:34

**§ 212:34 Duty of Care.** – I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, water sports, winter sports or OHRVs as defined in RSA 215-A, hiking, sightseeing, or removal of fuelwood, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, use OHRVs as defined in RSA 215-A, sightsee upon, or remove fuelwood from, such premises, or use said premises for water sports, or winter sports does not thereby:

(a) Extend any assurance that the premises are safe for such purpose, or

(b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists:

(a) For wilful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or

(c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuelwood was granted, to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

**Source.** 1961, 201:1. 1969, 77:1-3. 1973, 560:4. 1977, 208:1. 1981, 146:5, VI, eff. Jan. 1, 1982; 538:7, 13, eff. June 30, 1981.

# TITLE 18

## Fish And Game

### CHAPTER 215A

#### Off Highway Recreational Vehicles And Trails

##### SECTION 215-A:1

**§ 215-A:1 Definitions.** – As used in this chapter unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

I. "Accompanied by" means when a person is within sight and when actual physical direction and control can be effected.

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or 20 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

I-b. "All terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than 10 pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and not to exceed 50 inches in width. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

II. "Bureau" means the bureau of trails in the department of resources and economic development.

III. "Cowl" means the forward portion of a snow traveling vehicle surrounding the motor.

IV. "Executive director" means the executive director of the fish and game department.

V. "OHRV" means off highway recreational vehicle.

VI. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV.

VII. "Operate", in all its moods and tenses, when it refers to an OHRV, means to use that vehicle in any manner for transportation.

VIII. "Operator" means a person riding on or in, and who is in actual physical control of, an OHRV.

IX. "Owner" means any person, other than a lienholder, having title to an OHRV.

X. "Public way" means any public highway, street, sidewalk, avenue, alley, park or parkway, or any way that is funded by state, city, town, county, or the federal government, or laid out by statute, or any parking lots open for use by the public or vehicular traffic, or any frozen surface of a public body of water; provided, however, the off highway portion of any trail established specifically for OHRVs shall not be a public way.

XI. "Public water" means any public body of water as defined by RSA 271:20 which has been frozen over and is sufficient to hold any person or vehicle, whatsoever. Such public waters shall be deemed a public way and any violation shall be treated as if it took place on land.

XII. "Resident" means a citizen of the United States who has lived and made his home continuously within the state not less than 6 months next and has paid his current resident tax prior to his application

for registration of an OHRV and has not during that period claimed a residence in any other state for any purpose.

XIII. "Snow traveling vehicle" means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts or cleats. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

XIV. "Trail bike" means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

XV. "Registered for Highway Use" means any OHRV as defined in RSA 215-A:1, VI or trail bike as defined in RSA 215-A:1, XIV which is registered for use on the highways of the state under the provisions of RSA 261. Said registered vehicles shall comply with the provisions of RSA 215-A:35-39.

XVI. "Traveled portion" means all areas of a public highway between the plowed snowbanks.

XVII. "Trail connector" means that specific portion of an OHRV trail authorized within a state highway right-of-way by the department of transportation.

**Source.** 1981, 538:3. 1983, 449:1. 1985, 137:1; 261:1, 2. 1986, 152:2-6. 1989, 179:1. 1993, 53:3, eff. June 15, 1993. 1997, 268:2, eff. July 1, 1997.

# TITLE 18

## Fish And Game

### CHAPTER 215A

#### Off Highway Recreational Vehicles And Trails

##### SECTION 215-A:34

**§ 215-A:34 Posted Land.** – I. An owner may post all or any portion of his land against use by an OHRV. Such notices may read "SNOW TRAVELING VEHICLES PROHIBITED" or "OHRVs PROHIBITED" or may have in lieu of these words an appropriate sign with the designated symbol of sufficient size to be readable at a distance of 50 feet indicating that use of this land is prohibited for the purpose so specified. Whoever without right enters such land that has been so posted shall be guilty of a violation. Provided, however, that failure of an owner to post his land as provided in this section shall not be construed as granting any license to users of OHRVs to enter said premises, nor shall said failure be construed as implying any duty of care to the user of an OHRV by the owner.

II. It is recognized that OHRV operation may be hazardous. Therefore, each person who drives or rides an OHRV accepts, as a matter of law, the dangers inherent in the sport, and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the OHRV user assumes as a matter of law include, but are not limited to, the following: variations in terrain, trails, paths or roads, surface or subsurface snow or ice conditions, bare spots, rocks, trees, stumps, and other forms of forest growth or debris, structures on the land, equipment not in use, pole lines, fences, and collisions with other operators or persons.

**Source.** 1981, 538:3. 1983, 449:16. 1985, 193:1, eff. July 30, 1985.

**TITLE 20**  
**Transportation**  
**CHAPTER 228**  
**Administration of Transportation Laws**  
**Railroads and Other Common Carriers**

**SECTION 228:67**

**§ 228:67 Disposition of Acquired or Abandoned Rail Properties.** – Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, he may transfer or sell such rail properties, excluding the railroad bed and right-of-way lying within a corridor, to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, with the proceeds from the sale distributed to the Federal Railroad Administrator, Department of Transportation, in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be deposited into the special fund established in RSA 228:68. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and council. For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right-of-way to the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.  
**Source.** 1981, 568:55. 1986, 217:4. 1990, 94:1, eff. June 12, 1990.

# TITLE 20

## Transportation

### CHAPTER 231A

#### Municipal Trails

##### SECTION 231-A:1

**§ 231-A:1 Class A and B Trails.** – I. A class A trail shall be a full public right-of-way, of indefinite duration subject to public trail use restrictions. It shall not have the status of a publicly approved street, and shall not be used as a vehicular access for any new building or structure, or for the expansion, enlargement, or increased intensity of use of any existing building or structure. It may, however, be used by the owners of land abutting on such trail, or land served exclusively by such trail, to provide access for such nondevelopment uses as agriculture and forestry, or for access to any building or structure existing prior to its designation as a trail, and such owners' access for such uses shall be exempt from applicable public trail use restrictions, subject only to reasonable time, season and manner regulations imposed by the local governing body. The municipality shall bear no responsibility for maintaining the trail for such uses by abutting owners. Such owners shall, prior to excavation, construction or disturbance of a class A trail, obtain permission from the municipal officers, in the same manner prescribed for highways in RSA 236:9-11.

II. A class B trail shall be a full public right-of-way of indefinite duration subject to public trail use restrictions. It shall not have the status of a publicly approved street, shall not be used as a vehicular access for any new or existing building or structure, and shall not be used by the owners of land served by or abutting on such trail in any manner inconsistent with applicable public trail use restrictions.

**Source.** 1993, 60:2, eff. Jan. 1, 1994.

**(not currently in index)**

**TITLE 20**  
**Transportation**

**CHAPTER 231A**  
**Municipal Trails**

**SECTION 231-A:2**

**§ 231-A:2 Reclassification of Highways; Damages.** – I. Any class V or VI highway may be reclassified as a class A or class B trail, and any class A trail may be reclassified as a class B trail, by vote of the local legislative body.

II. In accordance with RSA 231:43, no highway of any class which provides the sole access to any land shall be reclassified as a class B trail without the written consent of the owner of that land.

III. Whenever a reclassification is made under this section, any aggrieved landowner may appeal, or may petition for the assessment of damages, in the same manner as in the discontinuance of highways pursuant to RSA 231:48 and 231:49, and the amount of damages, if any, shall reflect the landowner use provisions set forth in RSA 231-A:1.

**Source. 1993, 60:2, eff. Jan. 1, 1994.**



# TITLE 20

## Transportation

### CHAPTER 231A

#### Municipal Trails

#### SECTION 231-A:4

**§ 231-A:4 Public Trail Use Restrictions.** – In this chapter "public trail use restrictions" means any restrictions upon use of a trail by the general public. Such restrictions may be imposed by a landowner as a condition of grant or dedication of a trail acquired under RSA 231-A:5, or by vote of the local legislative body or its designee at or subsequent to the time the trail is established, or by the local governing body under RSA 41:11. Such restrictions may include, but are not limited to, prohibition of motor vehicles, prohibition of wheeled vehicles, prohibition of off highway recreational vehicles, or restriction to specified modes of travel such as horse, bicycle, or foot. Such restrictions, if posted using legible signs at entrances to the trail from public highways, or at any property boundaries where new or different restrictions become applicable, shall be enforceable in the same manner as traffic violations as set forth in RSA 265. Any person violating such restrictions shall be guilty of a violation.

**Source.** 1993, 60:2, eff. Jan. 1, 1994.

# TITLE 20

## Transportation

### CHAPTER 231A

#### Municipal Trails

#### SECTION 231-A:5

**§ 231-A:5 Acquisition of New Trails.** – I. Municipalities shall not use the power of eminent domain to establish trails.

II. A class A or B trail may be established by the local legislative body or its designee over any land previously acquired by the municipality, including land acquired by the conservation commission pursuant to RSA 36-A:4, or town forests established pursuant to RSA 31:110, unless the establishment of such trail would violate any right or interest reserved or retained by a prior grantor or held by a third party.

III. The local legislative body or its designee may acquire, by dedication and acceptance or by gift, purchase, grant or devise:

(a) Any class A or B trail, subject to such public trail use restrictions as may be imposed by deed by the owner or grantor; or

(b) Any lesser interest in land for trail purposes, including but not limited to a revocable easement, revocable license, lease or easement of finite duration, or conservation restriction, subject to such public trail use restrictions and such reserved rights as may be imposed by or agreed upon with the owner or grantor.

IV. A properly established conservation commission may utilize RSA 36-A:4 for the acquisition of trails.

**Source.** 1993, 60:2, eff. Jan. 1, 1994.

# TITLE 20

## Transportation

### CHAPTER 231A

#### Municipal Trails

#### SECTION 231-A:8

**§ 231-A:8 Liability Limited.** – I. All trails established under this chapter shall be deemed to constitute land open without charge for recreational or outdoor educational purposes pursuant to RSA 212:34 and RSA 508:14, I, and the liability of owners, lessees or occupants of land affected by a trail, and of the municipality establishing the trail, shall be limited as set forth in those statutes.

II. The liability of any person performing volunteer management or maintenance activities for or upon any trail established under this chapter, with the prior written approval of the body or organization with supervision over trail management pursuant to RSA 231-A:7, shall be limited as set forth in RSA 508:17, and such management shall not be deemed "care of the organization's premises" under RSA 508:17, IV.

**Source.** 1993, 60:2, eff. Jan. 1, 1994.

**TITLE 20**  
**Transportation**  
**CHAPTER 231**  
**Cities, Towns and Village District Highways**  
**Liability of Municipalities**

**SECTION 231:93**

**§ 231:93 When Municipalities Not Liable.** – Municipalities shall not be deemed to have any duty of care whatsoever with respect to the construction, maintenance or repair of class I, III, III-a or VI highways, or state maintained portions of class II highways. Upon any highway or other way with respect to which a municipality is found to have a duty of care of any kind, its liability shall be limited as set forth in this subdivision.

**Source.** RS 105:4. 1945, 188:1, part 18:18. RSA 247:18. 1981, 87:1. 1991, 385:7. 1992, 265:14, eff. July 1, 1992.

# TITLE 21

## Motor Vehicles

### CHAPTER 260

#### Administration Of Motor Vehicle Laws

#### Road Tolls

#### SECTION 260:61

**§ 260:61 Credit Provided; Liability Insurance.** – I. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs for the previous year times the average number of gallons consumed per year per OHRV times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV use for the previous year, to the OHRV bureau. For the purposes of this section, "the average number of gallons consumed per year per OHRV" is 50. The OHRV bureau shall use 66-2/3 percent of the amount credited for grants under its grant-in-aid program, and 33-1/3 percent for general operating expenses and expenses incurred in administering and supervising the grant-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV fund.

II. The OHRV bureau's grant-in-aid program shall bear the expenses of the following:

- (a) A liability insurance policy for the benefit of landowners who allow snowmobilers to use their property, and
- (b) A liability insurance policy for the benefit of landowners who lease their land to the state of New Hampshire for use by snowmobilers.

**Source.** RSA 265:29-a. 1979, 298:1. 1981, 146:1. 1983, 449:29. 1993, 320:1, eff. June 23, 1993.

# **TITLE 52**

## **Actions, Process, And Service Of Process**

### **CHAPTER 508**

#### **Limitation of Actions**

#### **SECTION 508:14**

**§ 508:14 Landowner Liability Limited.** – I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.

II. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

**Source.** 1975, 231:1. 1979, 439:1. 1981, 293:2. 1985, 193:2, eff. July 30, 1985.

# TITLE 52

## Actions, Process, And Service Of Process

### CHAPTER 508

#### Limitation of Actions

#### SECTION 508:17

**§ 508:17 Volunteers; Nonprofit Organizations; Liability Limited.** – I. Any volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

- (a) The volunteer had prior written approval from the organization to act on behalf of the organization; and
- (b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and
- (c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

I. Any person who is a volunteer of a nonprofit organization or government entity shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury to any person if:

- (a) The nonprofit organization or government entity has a record indicating that the person claiming to be a volunteer is a volunteer for such organization or entity; and
- (b) The volunteer was acting in good faith and within the scope of his official functions and duties with the organization; and
- (c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the volunteer.

I-a. The following form shall be sufficient as a writing required under this section and shall serve as prima facie evidence of the approval required under paragraph I:

Dear \_\_\_\_\_:

You are hereby recognized as a volunteer of the (name of organization) which exists for the following purposes (list purposes). Your tenure as a volunteer will continue until your resignation or until your termination by the organization. The purpose of this letter is to comply with the provisions of RSA 508:17, the volunteer immunity law, as that law may be amended from time to time.

Thank you for your service.

\_\_\_\_\_, &# 95; \_\_\_\_\_

Authorized Officer Officer

I-a. [Repealed.]

II. Liability of a nonprofit organization for damage or injury sustained by any one person in actions brought against the organization alleging negligence on the part of an organization volunteer is limited to \$250,000. Such limit applies in the aggregate to any and all actions to recover for damage or injury sustained by one person in a single incident or occurrence. Liability of a nonprofit organization for damage or injury sustained by any number of persons in a single incident or occurrence involving negligence on the part of an organization volunteer is limited to \$1,000,000.

III. Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization against any volunteer of such organization.

IV. Volunteer activity related to transportation or to care of the organization's premises shall be excepted from the provisions of paragraph I of this section.

V. In this section:

(a) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage and property damage.

(b) "Nonprofit organization" shall include, but not be limited to, a not for profit organization, corporation, community chest, fund or foundation organized and operated exclusively for religious, cultural, charitable, scientific, recreational, literary, agricultural, or educational purposes, or to foster amateur competition in a sport formally recognized by the National Collegiate Athletic Association, and an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state or having a principal place of business in this state.

(c) "Volunteer" means an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services. In the case of volunteer athletic coaches or sports officials, such volunteers shall possess proper certification or validation of competence in the rules, procedures, practices, and programs of the athletic activity.

**Source.** 1988, 280:1. 1990, 116:1-3, eff. Jan. 1, 1991. 1998, 255:1, 2, eff. Jan. 1, 1999.



# TITLE 64

## Planning And Zoning

### CHAPTER 674

#### Local Land Use Planning And Regulatory Powers

#### Master Plan

#### SECTION 674:2

**§ 674:2 Master Plan Purpose and Description.** – The master plan shall generally be comprised of a report or set of statements and land use and development proposals with accompanying maps, diagrams, charts and descriptive matter designed to show as fully as is possible and practical the planning board's recommendations for the desirable development of the territory legally and logically within its planning jurisdiction. The master plan shall be a public record subject to the provisions of RSA 91-A, the sole purpose and effect of which shall be to aid the planning board in the performance of its duties. The master plan shall include, if it is appropriate or if it is specifically required as a prerequisite for the adoption of implementation measures, the following specific sections, to be adapted by the planning board to the special requirements of the municipality:

- I. A general statement which shall include such topics as the objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical and socioeconomic development of the municipality are based.
- II. A land use section which takes into account natural conditions and which shows the existing conditions and the proposed location, extent, and intensity of future land usage.
- III. A housing section which analyzes existing housing resources and addresses current and future housing needs of residents of all levels of income of the municipality and of the region in which it is located, as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II.
- IV. A transportation section showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality.
- V. A utility and public service section analyzing the need for and showing the present and future general location of existing and anticipated public and private utilities, their supplies and distribution and storage facilities.
- VI. A community facilities section showing the location of, type, and need for educational or cultural facilities, historic sites, libraries, hospitals, fire houses, police stations and other related facilities, including their relation to the surrounding areas.
- VII. A recreation section which shows existing recreation facilities and which addresses future recreation needs.
- VIII. A conservation and preservation section which may provide for the preservation, conservation, and use of natural and man-made resources. The conservation and preservation section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22. This plan should be reviewed and revised as necessary at intervals not to exceed 5 years.
- VIII-a. A construction materials section which summarizes known sources of construction materials which are available for future construction materials needs, including, at a minimum, the location and estimated extent of excavations which have been granted permits under RSA 155-E, as well as reports filed pursuant to RSA 155-E:2, I(d) with respect to non-permitted excavations.

IX. Appendices or separate reports, where appropriate, which contain the underlying scientific and statistical data for the master plan and its constituent elements.

**Source.** 1983, 447:1. 1986, 167:2. 1988, 270:1. 1989, 339:28, eff. Jan. 1, 1990; 363:15, eff. Aug. 4, 1989.

# **TITLE 64**

## **Planning And Zoning**

### **CHAPTER 674**

#### **Local Land Use Planning And Regulatory Powers**

##### **Master Plan**

##### **SECTION 674:3**

**§ 674:3 Master Plan Preparation.** – I. The planning board in the course of preparing and amending or revising the master plan may make surveys and studies and may review data and information relative to the existing conditions and probable future growth of the municipality and its environs. The master plan

shall be made with the general purpose of guiding and accomplishing coordinated and harmonious development which will, in accordance with existing and probable future needs, promote health, safety, order, convenience, prosperity, or the general welfare as well as efficiency and economy in the process of development.

II. The master plan shall include, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

III. During the preparation of the various sections of the master plan, the board shall inform the general public and solicit public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

**Source.** 1983, 447:1, eff. Jan. 1, 1984.

**TITLE 64**  
**Planning And Zoning**  
**CHAPTER 674**  
**Local Land Use Planning And Regulatory Powers**  
**Master Plan**  
**SECTION 674:4**

**§ 674:4 Master Plan Adoption and Amendment.** – The planning board may, according to the procedures required under RSA 675:6, adopt the master plan as a whole, or may adopt successive sections or parts of the plan. Sections or parts of the plan shall correspond with major geographical sections or divisions of the municipality, or with the functional elements of the plan, and may incorporate any amendment, extension, or addition to the plan.

**Source.** 1983, 447:1, eff. Jan. 1, 1984.

**RESOURCE REFERENCES**

**Publications**

A Hard Road to Travel, H Bernie Waugh, Jr of the New Hampshire Municipal Association 1997

New Hampshire Non-Motorized Multi-Use Trails Manual, Merrimack River Watershed Council 1996

Building Foot Trails: A Guide for Towns and Landowners, Ted Bonner circa 1996

Best Management Practices for Erosion Control During Trail Maintenance and Construction, NH Department of Resources and Economic Development 1996

Handbook for Municipal Conservation Commissions in New Hampshire, NH Association of Conservation Commissions, 1988 with revisions through 1997

At What Cost? Shaping the Land We Call New Hampshire, edited by Richard Ober, Society for the Protection of NH Forests 1992

Trails for the 21<sup>st</sup> Century: A Planning, Design, and Management Manual for Multi-Use Trails, Rails-to-Trails Conservancy 1993

Secrets of Successful Rail-Trails: An Acquisition and Organizing Manual for Converting Rails into Trails, Rails-to-Trails Conservancy 1993

Concord Trail System, Concord Conservation Commission 1997

**NH / Central Region Public Land Trusts**

Audubon Society of NH  
Silk Farm Road, PO Box 8200  
Concord, NH 03301 / 224-9909

Ausbon Sargent Land Preservation Trust  
Deborah Stanley, Executive Director  
PO Box 2040  
New London, NH 03257 / 526-6555

Bearpaw Regional Greenways  
Frank Mitchell, President  
PO Box 19  
Deerfield, NH 03037 / 463-7562

Bow Open Spaces  
Bob Dawkins, Treasurer

## **APPENDIX C: VOLUNTEER RESOURCES**

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41 South Bow Road  
Bow, NH 03304 / 225-3678

Concord Conservation Trust  
Douglas Woodward, Chair  
54 Portsmouth Street  
Concord, NH 03303 / 224-9945

Gilmanton Land Trust  
c/o Tom Howe and Sarah Thorne  
RFD 1 Box 429  
Gilmanton IW, NH 03837 / 364-6131

Harris Center for Conservation Education  
Meade Cadot, Director  
341 Kings Highway  
Hancock, NH 03449 / 525-3394

Highland Lake Association  
James Lane, President  
PO Box 103  
Washington, NH 03280

Lakes Region Conservation Trust  
Tom Curren, Executive Director  
PO Box 1097  
Meredith, NH 03253 / 279-3246

The Nature Conservancy  
2 1/2 Beacon Street, Suite 6  
Concord, NH 03301 / 224-5853

Society for the Protection of NH Forests  
54 Portsmouth Street  
Concord, NH 03301 / 224-9945

Trust for Public Lands  
Peter Forbes, Regional Director  
33 Union Street  
Boston, MA 02108 / (617) 367-6200

Turkey River Basin Trust  
Mary Louise Hancock, Chair  
33 Washington Street  
Concord, NH 03301 / 225-9721

**State / Other Agencies**

Appalachian Mountain Club (AMC)  
Business Office  
PO Box 298  
Gorham, NH 03581 / 466-2721

Army Corps of Engineers (ACE)  
424 Trapelo Road  
Waltham, MA / (617) 647-8111

Central NH Regional Planning Commission (CNHRPC)  
12 Cross Street  
Penacook, NH 03303 / 753-9374

Trails Bureau  
NH Department of Resources and Economic Development (NH DRED)  
172 Pembroke Road, PO Box 1856  
Concord, NH 03302-1856 / 271-3254

NH Department of Revenue Administration (NH DRA)  
45 Chennell Drive, PO Box 457  
Concord, NH 03302-0457 / 271-2191

NH Municipal Association (NHMA)  
Triangle Park Drive, PO Box 617  
Concord, NH 03302 / (800) 852-3358

Rivers and Trails  
National Park Service (NPS)  
5 Thomas Hill  
Woodstock, VT 05091 / (802) 457-4323

NH Association of Conservation Commissions (NHACC)  
54 Portsmouth Street  
Concord, NH 03301 / 224-9945

NH Department of Environmental Services (NH DES)  
6 Hazen Drive, PO Box 95  
Concord, NH 03305 / 271-3503

NH Department of Transportation (NH DOT)

**APPENDIX C: VOLUNTEER RESOURCES**

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1 Hazen Drive, PO Box 483  
Concord, NH 03305 / 271-6495

Merrimack County Conservation District  
10 Ferry Street, Box 312  
Concord, NH 03301 / 223-6023

Hillsborough County Conservation District  
468 Route 13 South  
Milford, NH 03055 / 673-2409

Merrimack County (UNH) Cooperative Extension  
315 Daniel Webster Highway  
Boscawen, NH 03303 / 225-5505

Hillsborough County (UNH) Cooperative Extension  
Route 114  
Goffstown, NH 03045 / 624-9481

Rails-to-Trails Conservancy  
1100 Seventeenth Street NW  
Washington, DC 20036 / (202) 331-9696

NH Office of State Planning  
2 1/2 Beacon Street  
Concord, NH 03301 / 271-2155

NH Fish and Game  
2 Hazen Drive, PO Box 6500  
Concord, NH 03305 / 271-3421

Citizens for NH Land and Community Heritage  
54 Portsmouth Street  
Concord, NH 03301 / 224-9945

US Army Corps of Engineers  
New England District  
424 Trapelo Road  
Waltham, MA 02254 / (617) 647-8220



**Central Region Conservation Commissions**

Allenstown Conservation Commission

Town Hall

16 School Street

Allenstown, NH 03275 / 485-4276

Boscawen Conservation Commission

Town Hall

17 High Street

Boscawen, NH 03303 / 796-2426

Bow Conservation Commission

Town Hall

10 Grandview Road

Bow, NH 03304 / 225-3008

Bradford Conservation Commission

Town Hall

75 West Main Street

Bradford, NH 03221 / 938-5900

Canterbury Conservation Commission

Town Hall

Hackleboro Road, PO Box 500

Canterbury, NH 03224 / 783-9955

Chichester Conservation Commission

Town Hall

54 Main Street

Chichester, NH 03234 / 798-5350

Concord Conservation Commission

City Hall

41 Green Street

Concord, NH 03301 / 225-8515

Deering Conservation Commission

Town Hall

RR 1, Box 166

Hillsborough, NH 03244 / 464-3248

Dunbarton Conservation Commission

Town Hall

1011 School Street

Dunbarton, NH 03045 / 774-3541

Epsom Conservation Commission

## **APPENDIX C: VOLUNTEER RESOURCES**

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Town Hall  
Suncook Valley Highway, PO Box 10  
Epsom, NH 03234 / 736-9002

Henniker Conservation Commission  
Town Hall  
2 Depot Hill Road  
Henniker, NH 03242 / 428-3221

Hillsborough Conservation Commission  
Town Hall  
29 School Street, PO Box 7  
Hillsborough, NH 03244 / 464-3877

Hopkinton Conservation Commission  
Town Hall  
330 Main Street  
Hopkinton, NH 03229 / 746-3170

Loudon Conservation Commission  
Town Hall  
29 South Village Road, PO Box 7837  
Loudon, NH 03301 / 798-4541

Pembroke Conservation Commission  
Town Hall  
311 Pembroke Street  
Pembroke, NH 03275 / 485-4747

Pittsfield Conservation Commission  
Town Hall  
85 Main Street, PO Box 98  
Pittsfield, NH 03263 / 435-6773

Salisbury Conservation Commission  
Town Hall  
9 Old Church Road, PO Box 214  
Salisbury, NH 03268 / 648-2473

Sutton Conservation Commission  
Town Hall  
93 Main Street, PO Box 85  
North Sutton, NH 03260 / 927-4416

Warner Conservation Commission  
Town Hall  
5 East Main Street, PO Box 265

Warner, NH 03278 / 456-2298

Webster Conservation Commission  
Town Hall  
945 Battle Street  
Webster, NH 03303 / 648-2272

**STEPS TO CREATING A MUNICIPAL TRAIL SYSTEM**

**Steps to Creating a Municipal Trail System**

**1. Gather an Interested Group of People**

- local officials (Conservation Commission, Planning Board, Selectmen, Historic District Commission)
- landowners, enthusiasts and retired folks
- snowmobile, biking, and equestrian clubs
- teachers and school children
- Boy and Girl Scouts

**2. Inventory Existing Trails, Rights-of-Way, Class VI Roads, and Utility Corridors**

- record general locations on maps
- find detailed parcel information in Town Hall, Registry of Deeds, or by other source
- record the actual geographic position by using Global Positioning System (GPS) technology
- document trail condition, maintenance and usage information

**3. Determine Where to Link the Trails or Create New Trails**

- note those parcels which are desired in accordance with the Master Plan

**4. Produce a Plan of the Findings**

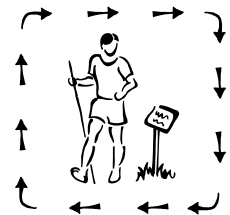
- why are trails important?
- consider conservation land and what future areas to focus on
- address land management: i.e., topography, special characteristics, suitable uses
- produce a detailed listing of the information about each existing and proposed trail
- decide what uses of each trail are most appropriate
- include appendices of maps, sample landowner agreements, sample conservation easement deeds, trail checklists, volunteer liability forms, statutes, sample warrant articles

**5. Implement the Plan**

- adoption of the Plan by the Planning Board as a component of the Master Plan
- Town designation of select trails as official (enforceable) Class A & B trails
- contact landowners of identified parcels and initiate the process of seeking permission
- pursue grants, volunteer labor, local donations, technical expertise
- trail construction and maintenance

**6. Promote the Trails**

- meet on a monthly or bi-monthly basis to coordinate trails happenings
- produce a brochure or small guidebook of the trails with descriptions
- ask for volunteer “trailmeisters” to maintain trails and report problems
- partner with other public/private groups in Town or local schools
- hold trail maintenance events or trails naming contests
- produce signage



**VOLUNTEER LIABILITY FORM**

(on Conservation Commission letterhead)

**Volunteer Liability Form**  
**NH Revised Statutes Annotated 508:17**

HILLSBOROUGH CONSERVATION COMMISSION

What is RSA 508:17?

It states that volunteers working for nonprofit organizations are not held liable for damages or accidents that may occur while acting with good faith during their volunteer tenure with the organization. In the case of the duly organized Hillsborough Conservation Commission, of which the Trails Committee is a subcommittee of, such volunteer work includes trail-related activities, equipment handling, site investigation, and other duties associated with being a volunteer for this organization. RSA 508:17 protects you from civil liability.

Dear \_\_\_\_\_,

You are hereby recognized as a volunteer of the Hillsborough Conservation Commission, which exists for the following purposes:

- to regularly inventory natural resources and open space;
- to acquire and manage conservation land in an effective manner;
- to create and maintain recreational trails for the benefit of the public;
- to monitor the proper adherence of protective ordinances and legislation; and
- to provide guidance to the Planning Board and Board of Selectmen on conservation-related matters.

Your tenure as a volunteer will continue until your resignation or until your termination by the organization.

Thank you for your service.

\_\_\_\_\_  
 Chair, Hillsborough Conservation Commission

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Selectman, Hillsborough Board of Selectmen

\_\_\_\_\_  
 Date

06/30/00

**VOLUNTEER TRAIL MAINTENANCE AGREEMENT "ADOPT-A-TRAIL"**

*(on Conservation Commission letterhead)*

**Volunteer Trail Maintenance Agreement  
"Adopt-A-Trail"**

**HILLSBOROUGH CONSERVATION COMMISSION**

I/We, \_\_\_\_\_ of \_\_\_\_\_,  
Hillsborough, (herein after referred to as "Trailmeister") hereby volunteer to periodically monitor and maintain the

\_\_\_\_\_ Trail (herein after referred to as the "Trail") of the  
Town of Hillsborough in accordance with the attached Trail Maintenance Job Description.

I/We also agree to coordinate with the Trails Committee of the Hillsborough Conservation Commission on a regular basis to report on activities related to the Trail, using the attached Trail Report Form as a guide.

If I/We cannot to fulfill the duties as a Trailmeister as noted in the attached Trail Maintenance Job Description, I/We agree to inform the Chair of the Trails Committee who may offer another person/family the opportunity to "Adopt" this Trail.

I/We may, with written notice to the Chair of the Trails Subcommittee, resign from my/our volunteer Trailmeister duties at any time.

\_\_\_\_\_  
Trailmeister

\_\_\_\_\_  
Date

\_\_\_\_\_  
Trailmeister

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Hillsborough Trails Committee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Hillsborough Conservation Commission

\_\_\_\_\_  
Date

06/30/00

## TRAIL MAINTENANCE GUIDELINES "JOB DESCRIPTION"

*(on Conservation Commission letterhead)*

### **Trail Maintenance Guidelines:** ***a "Job Description"*** **for the Volunteer Trailmeister**

#### HILLSBOROUGH CONSERVATION COMMISSION

Welcome, Trailmeister! Thank you for volunteering your time and energy to the recreational trails within the Town. We are very proud of what we have accomplished and look forward to more ways to share our trails with the public. Volunteer efforts are the foundation of our success. We believe you will find your experience rewarding and satisfying. In order to help you with your efforts, this "Job Description" outlines what is asked of you as a Trailmeister:

#### ***Periodic Services of the Trailmeister***

##### Guideline 1

##### Trail Reporting



- Walk your Trail and report problems or interesting finds you encounter on a Trail Report Form.
- Coordinate with the Trails Committee on a regular basis:
- Orally report on your Trail
- Provide a copy of the Report Form to the Chair of the Trails Committee for permanent recordkeeping.

##### Guideline 2

##### Trail Maintenance



- Perform light trail maintenance on a periodic basis such as picking up trash, removing fallen limbs, filling map boxes with maps, and trimming overgrown branches.
- We do not expect you to perform hard labor on your own! If you are interested, tools and expertise are available to you for larger projects such as removing fallen trees, installing map boxes, or blazing the trail. If not, a team of Trails Overseers will gladly do harder tasks.

In addition to **Trail Reporting** and **Trail Maintenance**, we also hold other events, activities, and gatherings such as monthly Trails Committee meetings, National Trails Day, trail blazing, or new trail construction. A Trails Guidebook, a document intended to provide the public with maps and narratives about every maintained trail within the Town, will be created. We can find something for every interest - just ask!

If at any time you have questions or encounter any problems, please call the Hillsborough Town Offices at 464-5378 during business hours or call a Trails Overseer during the evenings and weekends.

*06/30/00 - based upon Guidelines from the City of Concord*

**TRAIL REPORT FORM**

**Trail Report Form**  
**HILLSBOROUGH TRAILS COMMITTEE**

Trail: \_\_\_\_\_ Date: \_\_\_\_\_

Performed by: \_\_\_\_\_

**At the Trailhead (s):**

Please fill the map boxes with maps. ☐

Are cars parked where they should be? ☐no ☐yes      How many are present? \_\_\_\_\_

Is there any vandalism apparent to map boxes, trees, or surroundings?

☐no ☐yes \_\_\_\_\_

Are the trail signs clearly visible at both ends of the trail? ☐yes ☐no \_\_\_\_\_

**On the Trail:**

Please pick up litter and move fallen limbs to the side. ☐      Please trim overgrown branches. ☐

Are the blazes clearly visible? ☐yes ☐no \_\_\_\_\_

How many people did you encounter? \_\_\_\_\_ What age groups? \_\_\_\_\_

What were they doing? (hiking, biking, skiing, jogging, picnicking, etc) \_\_\_\_\_

Do you see evidence of restricted uses of the trail? ☐no ☐yes \_\_\_\_\_

Are there sections of the trail that appear dangerous? ☐no ☐yes \_\_\_\_\_

Did you see any wild animals or interesting sights? ☐no ☐yes \_\_\_\_\_

Did you notice any erosion, washouts, or wet spots that were hard to cross? ☐no ☐yes \_\_\_\_\_

**Is additional work required?**

- large item removal (tree, appliance, boulder) ☐no ☐yes \_\_\_\_\_

- repair of vandalism ☐no ☐yes \_\_\_\_\_



- re-blazing of trees    ☐no    ☐yes \_\_\_\_\_

**Other Comments:**

**CERTIFICATE OF VOLUNTEERISM**

**Certificate of Volunteerism**

*This is to certify that*

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is appreciatively recognized on June 30, 2000 as  
a volunteer steward

of the

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Trail

of the Town of Hillsborough, New Hampshire.

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*, Conservation Commission Chair*

*, Trails Committee Chair*

HILLSBOROUGH RECREATIONAL TRAILS SURVEY

HILLSBORO RECREATIONAL TRAILS SURVEY  
HILLSBORO CONSERVATION COMMISSION

The town of Hillsboro has an extensive trails network that reaches every corner, and ties every resident together via recreational transportation. Regardless of where you live you are just minutes from a trail! These trails are used by hikers, and walkers, skiers, snowshoers, mountain bikers, equestrians, snowmobilers, ATVs, and 4 wheel drivers. The Conservation Commission would like to update and catalog these trails so that more residents can enjoy them. Please participate in this survey. We will contact any concerned landowners, and interested residents. Our findings will be made available to the townspeople as we develop the recreational trails network.

Please return this survey to a Conservation Commission member or the town office.

Questions? Contact: Ann Ford PO Box 785 Hillsboro ph.478-3958  
James McDonough 256 North Rd. Hillsboro  
ph.464-4439

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DO YOU HAVE A RECREATIONAL TRAIL ON YOUR PROPERTY? yes \_\_\_\_ no \_\_\_\_

IS IT USED BY?	snowmobiles	_____
	hikers, walkers, fishermen, snowshoers, skiers	_____
	mountain bikers	_____
	horse back riders	_____
	ATVs, motorcycles	_____
	other (specify)	_____

IS YOUR TRAIL MAPPED? yes \_\_\_\_ no \_\_\_\_

IF SO, WHAT MAP? (i.e. hand drawn, topo, tax, lot survey) \_\_\_\_\_

DO YOU HAVE CONCERNS ABOUT THE TRAIL ON YOUR PROPERTY? (specify)  
examples: erosion, maintenance, liability, amount of usage, user restrictions, etc.

IS YOUR LAND POSTED? yes \_\_\_\_ no \_\_\_\_

POSTED FOR WHAT? (i.e. safety zone, no hunting, no trespassing, etc.)

WOULD YOU BE INTERESTED IN INCLUDING YOUR LAND IN A RECREATIONAL TRAIL NETWORK? (if your land is in current use there may be tax incentives)

yes\_\_\_\_\_ no\_\_\_\_\_

DOES YOUR PROPERTY CONTAIN NATURAL OR ARCHEOLOGICAL FEATURES THAT WOULD BE OF INTEREST?

yes\_\_\_\_\_ no\_\_\_\_\_

YOUR PROPERTY IS ON map#\_\_\_\_\_ lot#\_\_\_\_\_

YOUR ADDRESS: \_\_\_\_\_

YOUR NAME: \_\_\_\_\_

YOUR PHONE: \_\_\_\_\_

PLEASE FEEL FREE TO SKETCH YOUR PROPERTY AND TRAIL, OR TRAIL IDEA DURING THE MEETING. ( Unless you need to catch up on your sleep!) COMMENTS ARE ALSO WELCOME!



This Section

- Base Map
- Topographic Map
- Public Lands, Easements, and Rights-of-Way Map
- Existing Trail System Map
- Proposed Open Space Trail System Map